



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH, NAGPUR

WRIT PETITION NO.2976/2024

1. Purushottam S/o. Namdev Ghugal,
Aged about 57 years, Occupation:
Service, R/o. Nandanvan colony,
Quarter No.26, Nandanvan,
Nagpur
2. Ramesh S/o. Vithobaji Deharkar,
Aged about 58 years, Occupation:
Service, R/o. Sundar Nagar, Umred
road, Dighori, Nagpur.
3. Vijay S/o. Rambhau Gudadhe,
Aged about 47 years, Occupation:
Service, R/o. Kadu layout, plot
no.29, Panchwati, Katol, District
Nagpur.
4. Prakash S/o. Janardhan Dhohe, (Dead)
through its LRS.
- 4-A) Smt. Naina Prakash Dhone,
Aged 51 years, Occ. Housework,
r/o. Plot No. 2-A, Kushi Nagar,
Verma Layout, Nagpur.
- 4-B) Mast. Kshitij s/o Prakash Dhone,
Aged about 15 years, Occ. Student,
Through guardian Mother -
Smt. Naina Prakash Dhone,
Plot No. 2-A, Kushi Nagar,
Verma Layout, Nagpur.

5. Smt. Pratibha Arvind Somkuwar,
Aged about 54 years, Occupation:
Service, R/o. Flat No.103, Rajat
tower, Indora square, Kamptee
road, Nagpur.
6. Prashant S/o Netreshwar Mhaiskar,
Aged about 57 years, Occupation:
Service, R/o. Plot No.13-B, Type-'C'
Corporation colony, North
Ambazari road, Nagpur.
7. Sudhir s/o. Natthuji Hadke
Aged about 57 years, Occupation:
Service, R/o. Plot No.56, Bhim
Nagar, Nagpur - 27.
8. Sau. Jaishri Sunil Gawande,
Aged about 58 years, Occupation:
Service, R/o. Raj Nagar, Ward No.3,
Nalwadi, Wardha.
9. Smt. Sudha Anil Rodge,
Aged about 57 years, Occupation:
Service, R/o. Plot No.184, Sahayog
Nagar, Nari road, Nagpur.

...PETITIONERS

VERSUS

- 1) State of Maharashtra
Department of Skill Development,
Employment and Entrepreneurship
(Kaushallaya Vikas, Rozgar Aani
Uddyojagta)
Through its Secretary, Mantralaya,
Mumbai- 32
- 2) Director Vocational Education &
Training, Maharashtra State,

Mahanagar Palika road, Mumbai - 1

- 3) The Deputy Director
(Now Joint Director)
Vocational Education and Training
Regional Office,
Civil Lines, Nagpur

...RESPONDENTS

Shri A.R. Patil, Advocate for petitioners
Shri B.M. Lonare, AGP for respondent/State

CORAM : SMT. M. S. JAWALKAR, J.
DATE : 25/03/2025

ORAL JUDGMENT

. **Rule.** Rule made returnable forthwith.

2. Heard learned Counsel for the petitioners, learned Assistant Government Pleader for respondent/State.

3. The present petition is filed challenging the rejection of interim relief by the Industrial Court No.1, dated 07/02/2024, passed below Exhibit U-2 in Complaint ULP No. 162/2023. During the pendency of this petition another order came to be issued by the respondents, directing recovery from the petitioners, whatever

amount they have received under ACP Scheme. This order issued in view of the rejection of interim relief.

4. It is the contention of the respondent that as petitioners refused the promotional post, the order of recovery is perfectly justified. On perusal of order dated 06/02/2023, issued by respondent (page 61), it prima facie appears that the petitioners were promoted temporarily. Therefore, no question arise if they agitated the said issue before the Industrial Court as they were not granted permanent promotion. As such, there can not be recovery on the ground that the said promotion which was temporary one was refused. Thus, I am of the opinion that there is no need to interfere in the order passed by learned Industrial Court below Exh. U-2.

5. The order passed by the respondent dated 13/02/2024, requires to be stayed till Complaint ULP No. 162/2023 is finally decided. Thus, petition is partly allowed.

6. The letter at Annexure 'O' dated 13/02/2024, passed by the In-charge Deputy Director, Vocational Education and Training

Institute, Regional Office, Nagpur, is hereby stayed till disposal of Complaint ULP No. 162/2023.

7. Learned Industrial Court is further directed to decide the Complaint ULP No. 162/2023, as expeditiously as possible within six months.

8. Writ Petition stands disposed of in the above terms.

(SMT. M.S. JAWALKAR, J.)

Jayashree..