

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 9406 OF 2016
WITH WP/9407/2016 WITH WP/9408/2016 WITH WP/9411/2016
WITH WP/9412/2016 WITH WP/9413/2016 WITH WP/9414/2016
WITH WP/9415/2016 WITH WP/9416/2016 WITH WP/9417/2016
WITH WP/9418/2016 WITH WP/9419/2016 WITH WP/9420/2016

NAMDEO BABRUWAN PHULE
VERSUS
THE SECRETARY, APMC, UDGIR AND ANOTHER

...
Advocate for Petitioner : Shri Kudle Dhanaji S.

...
CORAM : RAVINDRA V. GHUGE, J.
Dated: September 30, 2016
...

PER COURT :-

1. Learned Advocate for all the petitioners submits, on instructions, that the petitioners desire to withdraw these petitions since these petitioners have been disengaged by the respondent and they have challenged the fresh cause of action before the Labour Court at Latur. It is, however, prayed that the pending complaints before the Industrial Court be expedited.

2. On 7.9.2016, I had passed the following order:-

“1 All these Petitioners are Workmen who have preferred individual Complaint (ULP) Nos.71 of 2015 till 85/2015 before the Industrial Court seeking permanency and benefits incidental thereto. All the Petitioners are said to be working in between four years to nine years as on date. Details of their appointments and engagements are mentioned in the petitions.

2 *The Petitioners are aggrieved by the impugned orders dated 19.08.2016 delivered by the Industrial Court on the Review Applications filed by the Respondent/ Management and the applications Exhibit U/2 seeking interim relief filed by these Petitioners,refusing protection to the Petitioners.*

3 *The Petitioners have alleged ULP under Items 5, 6 and 9 of Schedule IV of the MRTU & PULP Act, 1971. Since the claim for permanency was set out, these Petitioners have prayed for protection of their services since they seriously apprehend that the Respondent/ Employer is likely to dispense with their services so as to render their complaints infructuous and so as to frustrate their claims. The Industrial Court relied upon the judgment of this Court, in the matter of Dilip Indrabhanji Wawande vs. Industrial Court, Nagpur, 1995 II CLR 897 : 1996 (1) LLJ 842, while concluding that it does not have the power to prevent the Respondent/ Employer from terminating the services of the Petitioners.*

4 *The learned Advocate for the Petitioners submits that if the Respondent dispenses with their services, their complaints would be rendered infructuous and their claims for permanency may not be adjudicated upon.*

5 *Issue notice before admission to the Respondents returnable on 04.10.2016.*

6 *In the event, these Petitioners are in employment of the Respondents as on today, the Respondents are restrained from terminating their services till the next date of hearing in these petitions.”*

3. Considering the request made by the petitioners, same is accepted

and these petitions are disposed off as withdrawn. The Industrial Court shall endeavour to decide the pending Complaint (ULP) Nos.71 of 2015 to 85 of 2015 on their own merits and the disengagement / termination of the petitioners during the pendency of these complaints shall not come in way for deciding the complaints in the light of the cause of action as on date of the filing of the complaint.

(RAVINDRA V. GHUGE, J.)

...

akl/d