

BEFORE THE MEMBER, INDUSTRIAL COURT NO.02, KOLHAPUR**REVISION APPLN. (U.L.P) NO.09/2026.****ORDER BELOW EXH.U-10**

(Passed on this 06th day of March, 2026)

- 1) This application is filed by complainant with prayer to keep in abeyance termination order dated 27/02/2026.
- 2) Perused application and reply. Heard both sides.
- 3) Complaint (U.L.P) No.02/2026 was filed by petitioner before Labour Court, Kolhapur apprehending his termination. In this proceeding interim protection was granted to petitioner. On 26/02/2026 petitioner filed application Exh.U-14 for extension of stay order and that application was rejected by Labour Court. Being aggrieved and dissatisfied with this order, present revision is preferred.
- 4) In revision proceeding notice was issued to respondent and in response to that they appeared and along-with list Exh.C-02 filed dismissal order of petitioner dated 27/02/2026.
- 5) In present application it is alleged that termination order is illegal and issued mala fide. The termination order needs to be kept in abeyance until decision of revision. If termination order is not kept in abeyance, revision petition will become infructuous and petitioner will be out of service without hearing. Hence, prayer is made to keep in

abeyance termination order dated 27/02/2026.

6) Application is opposed on the basis of Reply Exh.C-04 alleging that revision itself is illegal and improper. There is no substance in application as petitioner is already terminated by order dated 27/02/2026. Hence, prayer is made to reject application.

7) In the course of argument Advocate Shri. S. M. Gaikwad for petitioner submitted that termination order was not communicated to petitioner and therefore it cannot be brought into operation. I see no merit in this contention.

8) Section-5 of M.R.T.U. & P.U.L.P Act, 1971 is in respect of duties of Industrial Court. Sub-Section-(d) provides that it shall be the duty of Industrial Court to decide complaints relating to unfair labour practices, except unfair labour practice falling in Item-1 of Schedule-IV. Item-1 of Schedule-IV is in respect of discharge or dismissal of employee. It is explicit from this legal provision that the jurisdiction of Industrial Court is ousted to deal with the matters falling in Item-1 of Schedule-IV i.e. discharge or dismissal of employee. It is clear that petitioner is dismissed vide order dated 27/02/2026. Hence, now the case has to be taken before appropriate forum i.e. Labour Court. Taking into consideration all these aspects I do not see any merit in this application and it is not worthy to allow. Hence, following order is

passed.

ORDER

- 1) Application is rejected.
- 2) No order as to costs.

Kolhapur.
Date :- 06/03/2026.

Sd/-.
(V. P. Adone)
Member,
Industrial Court No.02, Kolhapur.