

Exh.O-

IN THE INDUSTRIAL COURT NO.1, MAHARASHTRA
AT KOLHAPUR

Complaint (ULP)No. 54/2025
(CNR No. MHIC090001352025)

Shri Sandip Manohar Madhale

V/s

Ichalkaranji Municipal Corporation & 5 Ors.

CORAM : N. A. Malunjkar, Member.
(J.O. Code :- MH-02953)

IN THE MATTER OF INTERIM RELIEF U/S. 30(2) OF
THE MRTU & PULP ACT, 1971.

APPEARANCES : Shri V. S. Chavan, Ld. Counsel for Complainant.
Shri R. L. Chavan, Ld. Counsel for Respondents.

: ORDER BELOW EXH.U-2 :

(DICTATED & PRONOUNCED IN OPEN COURT ON 06.03.2026)

1. This Complaint is filed under Sec. 28(1) read with items 5, 9 and 10 of Sch. IV of the MRTU & PULP Act, 1971. The Complainant is an employee of Ichalkaranji Municipal Corporation

which is respondent no. 1 and respondent no. 2 to 6 are the employees of respondent no. 1.

2. It is the case of Complainant, that he is working on the post of Sanitary Inspector having salary of Rs.67,000/- per month. The complainant is a permanent employee of the respondent no. 1 and on 01.10.2024, he was promoted to the post of Sanitary Inspector from the post of Ward Inspector. The contention of the complainant is that the respondent no. 2 to 6 were Sweepers and on 19.03.2023, they were also given the promotion to the post of Sanitary Inspector. According to the Complainant, the said promotion has been effected by the respondent no. 1, without taking any departmental examination and four other promotees are now on the same post and in future, if another promotion is given, then the respondents no. 2 to 6 will get their promotions without any departmental examination. As per the Complainant, since he has crossed 40 years of age, he received his promotion without any examination which is as per the rules applicable to the Municipal Corporation. The Complainant objects to the unilateral promotions

of the respondent no. 2 to 6. In this interim relief application before me, the Complainant has prayed for that pending hearing and final decision of the complaint, the promotions given to the respondent no. 2 to 6 be stayed and / or in the coming promotions the post of Chief Sanitary Inspector be kept vacant until this complaint decided on merits.

3. The respondents appeared in the matter and filed its say and written statement at Exh.C-5. The respondents have raised the contention that the Complainant is not a workmen as per Sec. 2(s) of the Industrial Disputes Act, 1947 and that issue should be decided as a preliminary issue. Further, the respondents have stated that no rules having broken for the grant of promotions which has been given to the respondent no. 2 to 6. The promotions given to the Complainant as well as the respondent no. 2 to 6 have been made due to the fact that the vacancy is more than the available candidates and therefore, promotions were granted to respondent no. 2 to 6, in the same manner, the promotion was also granted to the Complainant. Further, the respondents submit that for the

promotion to the Chief Sanitary Inspector is different and is based upon certain criterion which the Complainant cannot fulfill and therefore, he will not be considered for further promotions. In all, the respondents have prayed for dismissal of the complaint on the grounds of jurisdiction as well as rejection of the interim relief application.

4. Heard arguments of both the parties. Perused the documents on record and the following points arise for my consideration which are as under :-

<u>POINTS</u>	<u>FINDINGS</u>
1. Whether the complainant demonstrated strong prima facie case?	In the Negative.
2. Whether the complainant has shown balance of convenience?	In the Negative.
3. Whether the complainant demonstrated irreparable loss?	In the Negative.
4. What order and relief ?	As per order.

REASONS

AS TO POINT NO. 1 to 3:

5. The reason for the rejection of this interim relief

application is as below :-

First and foremost, according to me, this issue of Complainant is a workman or not has to be framed and decided. The Complainant himself admits that he is working as a Sanitary Inspector i.e. Supervisor which automatically puts the Complainant in the seat where there are doubts whether the Complainant is a workman or not and therefore, I am in no position to grant any interim relief as such, as of now, because this issue has to be decided on merits.

6. Further the reason, why this interim relief application is rejected because the Complainant is seeking to stop the promotions of four other employees on the post of Sanitary Inspector and he is also requesting and praying before this Court that, his further promotion to the post of Chief Sanitary Inspector will be affected, if this interim relief application is not granted.

7. As mentioned above, whether the post of Sanitary Inspector comes under the category of “workman” as per Sec. 2(s) of

the I.D. Act or an 'employee' u/s. 3(13) of the MRTU & PULP Act, has to be decided on merits. So, the relief claimed by the Complainant as a 'Sanitary Inspector' and against the post of 'Chief Sanitary Inspector', both according to this Court are on the borderline of whether they can be decided by this Industrial Court or not. And therefore, this Court is in no position to grant any relief unless and until the Complainant proves beyond reasonable doubt that he is a 'workman' as per Sec. 2(s) of the I.D. Act, 1947.

8. The Complainant has not made out any prima facie case, balance of convenience is not in favour of the Complainant and there is no irreparable loss to the Complainant, if this interim relief application is not allowed. In all the circumstances, the Complainant has miserably failed to show any prima facie evidence that he is a 'workman' failed to show any irreparable loss shall be caused to him and also to repeat that the issue of jurisdiction which this Court needs to decide on priority. Hence, for the above reasons, the point no. 1 to 3 are answered in negative and I proceed to pass the following order :

ORDER :

1. The application for interim relief Exh.U-2 is rejected.
2. No order as to costs.

Kolhapur.

Date : 07.03.2026
RSS/-

(N. A. Malunjkar)
Member,
Industrial Court No.1, Kolhapur.