

REVISION APPLN. (U.L.P.) NO.51/2023.**AD-INTERIM ORDER BELOW EXH.U-02**

(Passed on this 04th day of August, 2023)

- 1) Being aggrieved and dissatisfied with the order dated 31/07/2023 passed in Complaint (U.L.P.) No.39/2023 the applicant has been filed present Revision Application under Section-44 of the M.R.T.U. & P.U.L.P. Act, 1971.
- 2) The learned Advocate Shri. S. S. Saptasagar submitted that, the correct date of birth of applicant is '17/12/1969' and same is recorded in the Service Book of applicant. However, on relying bonafide certificate which was submitted by third person, the opponent Corporation is going to retire the applicant considering date of birth as 01/06/1965. The complainant under apprehension filed complaint before the learned Labour Court and prayed for necessary relief. Initially, the learned Labour Court has granted ad-interim order on dated 29/05/2023. However, learned Labour Court has declined to pass stay order and application of applicant below Exh.U-02 is rejected and stay granted to the applicant is vacated. Therefore, applicant has prayed for restraining order against the opponent.
- 3) Further submitted that, the applicant was tried to issue advance notice pertaining to present revision application on 03/08/2023, but

opponent has not accepted the notice and he compelled to wait for 02-03 hours. Therefore, applicant has filed affidavit at Exh.U-08.

4) I have gone through the order passed by learned Labour Court and revision memo. As far as merit of present application is concerned; it will be decided after appearance of opponent. The applicant has tried to serve the notice to the opponent, but it appears that, the opponent refused to accept the notice. According to the applicant still he is in the employment of opponent, therefore, for further some period if applicant is continued no any irreparable loss shall be caused to the opponent. Hence, I proceed to pass following order.

O R D E R

- 1) Order dated 31/07/2023 passed in Complaint (U.L.P.) No.39/2023 is hereby *set-aside*.
- 2) The opponent Corporation is hereby directed not to retire the applicant considering the date of birth i.e. 01/06/1965 till next date, if not retired earlier.
- 3) Issue notice to the opponent Corporation returnable on 17/08/2023.

Kolhapur.
Date :- 04/08/2023.

Sd/-.
(Shri. S. D. Suryawanshi)
Member,
Industrial Court No.02, Kolhapur.