

**BEFORE THE MEMBER INDUSTRIAL COURT, MAH., AT  
SANGLI**

**Complaint (ULP) No.26 Of 2023**

Shri Chandrakant Jaywant Waghmare

R/o : Kavathe Mahankal

Tal. : Kavathe Mahankal, Dist. : Sangli. ..Applicant

V/s

- 1) Nagar Panchayat Kavathe Mahankal and  
Anr.

Tal. : Kavathe Mahankal, Dist. : Sangli

(Through its Chief Officer) ..Opponents

**Order Below Ex.U-2**

(Date : 6<sup>th</sup> July 2024)

This application is filed u/s 30(2) of Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971 claiming interim relief in the nature of directions to the opponents to deposit legal retirement dues of the applicant in the court pending till hearing of the main complaint.

2. It is the case of the applicant in short that,

The applicant joined the employment in the then Kavathe Mahankal Grampanchayat on the post of Water Supply Worker. Since 16/03/2016 the Grampanchayat Kavathe Mahankal was merged into Nagar Panchayat and accordingly provisions of Maharashtra Municipalities and Nagar Panchayat Act, 1965

became applicable. The applicant had worked upto 31/02/2020 and rendered continuous service of more than 21 years. It is a qualifying service as provided under Maharashtra Civil Services Rules, hence opponent No.1 was bound to send the pension papers and all other documents relating to retirement dues to opponent No.2. Since the opponents have not paid to the applicant's pension and retirement dues present complaint is being filed and this application is made claiming interim relief as aforesaid.

3. The opponent No.1 has resisted the application by filing written statement / say at **Ex.C-5**. According to opponent No.1, the complaint is barred by limitation and it is not tenable. The applicant is not entitled to pensionary benefits as claimed in the complaint. He was not working on any sanctioned post. Hence the opponent denied the allegations of unfair labour practice and prayed to reject the application.

4. The opponent No.2 has filed written statement / say at **Ex.CA-7**. According to the opponent the applicant was not absorbed in newly constituted Kavathe Mahankal Nagar Panchayat as he was not qualified for any post according to staffing pattern. Even as per provisions of Maharashtra Civil Services Rules the applicant is not entitled to get any retirement

benefits. Hence there is no unfair labour practice engaged by the opponent. It is therefore prayed to reject the interim relief application.

5. Considering rival pleadings of the parties following points for determination are taken for consideration. My answers to them with reasoning thereon are as under -

<b><u>Points</u></b>	<b><u>Findings</u></b>
(1) Whether the applicant has made out strong prima-facie case in order to grant interim application ?	In the Negative
(2) Whether balance of convenience lies in favour of applicant ?	In the Negative
(3) Whether the applicant will be put to irreparable loss in case interim relief is rejected ?	In the Negative
(4) What Order ?	As per Final Order

### **Reasons**

6. **As to Point Nos.1 to 3 :-** Heard the learned advocates representing the respective parties. Perused record. The applicant came with the claim that after rendering 21 years of service he is retired from the services of Nagar Panchayat Kavathe Mahankal. The applicant has filed his relieved letter dt.31/05/2017 whereby the applicant was relieving from the duties as he attained the age of superannuation on 31/05/2017. The applicant has also filed the document dt.18/02/2017 given to the Chief Officer of opponent No.1 Nagar Panchayat wherein

it was certified that 45 employees are working continuously in which name of the applicant is mentioned at sr.no.10 and initial date of his appointment has been shown as 31/03/1986. However, only on the basis of these documents the claim of the applicant cannot be decided at interim stage. Moreover the relief claimed by the applicant in interim application amounts to final relief which cannot be granted at interim stage. Hence I do not find prima facie strong case is made out and the application therefore deserves to be rejected. It is requested on behalf of applicant to expedite the matter. Considering the fact that the applicant is aging more than 60 years the matter pertains to senior citizen. Hence the said request can be granted. Hence the following order.

### **Order**

- (i) Application at Ex.U-2 stands rejected.
- (ii) Main complaint is expedited.
- (iii) Parties are directed to co-operate the court to decide the complaint finally as early as possible.

Sangli.

Date : 6<sup>th</sup> July 2024.

(D.M. Patil)  
Member,  
Industrial Court, Sangli