

MHIC11000022022



**BEFORE THE MEMBER,**  
**INDUSTRIAL COURT MAHARASHTRA**  
**AT SATARA.**

**Complaint(ULP)No.1/2022**  
**CNR NO.MHIC11000022022**

Shri. Indrajeet Vilas Bhosale. Complainant

Versus

Koregaon Nagarpanchayat and anr. Respondents

Coram: P.V.Chatur, Member J.O. Code MH 218.

Appearances: Shri. D. S. Patil, Advocate for the Complainant.  
Shri. P. K. Barsawade, Advocate for the Respondents.

**:ORDER BELOW EXH.U-2:**  
(07.11.2022)

**Admitted Facts:**

A) *The Complainant was appointed as Pani Puravatha Helper with erstwhile Koregaon Grampanchayat from year 2014. After merger of said Grampanchayat with present Nagarpanchayat the Complainant along with all other employees was taken on the role of Respondents.*

B) *The Complainant was allotted work of survey during Covid-19 pandemic. During that period on*

*02.10.2020, the Complainant was found positive for Covid-19 and thereafter was admitted to various hospitals for further treatment for 134 days.*

*C) The Respondents being Nagarpanchayat pays medical reimbursement to its eligible employees. The Complainant vide his letters dated 05.03.2021, 08.03.2021 and 29.06.2021 requested the Respondents to pay his medical bills amounting to Rs.5,42,261/-.*

*D) Further the Government of Maharashtra vide its resolution dated 14<sup>th</sup> September 2020 has directed to pay Rs.1,000/- per month to the employees along with their monthly salary for discharging duties during Covid-19 period. The Complainant is not being paid the said amount from September 2020 onwards.*

**Claim of the Complainant:**

2. It is the case of the Complainant that, since 2014 he is working continuously with the Respondents on the post of Pani Puravatha Helper and drawing salary of Rs.10,500/- per month. The Complainant is suffering from diabetes and asthma. Besides this, he has performed the work under the scheme “My Family My Responsibility” as per directions of the Respondents. Due to which, he was found Covid-19 positive on 02.10.2020 and suffered illness and medical expenses amounting to Rs. 5,42,261/-. Besides many

requests of the Complainant, the Respondents did not pay him said medical expenses.

3. One employee namely Shri. Ashok Raghunath Yewale was paid medical reimbursement vide resolution No.3 dated 10.10.2017. The Respondents vide its resolution No.9 dated 08.07.2021 resolved to pay medical assistance to the Complainant as per rules and accordingly sent letter dated 09.08.2021 to District Administrative Officer, Collector Office for direction. But till today the Complainant has not been paid any medical reimbursement along with allowance declared vide GR dated 14.09.2021. Therefore, he filed this complaint of unfair labour practice of the Respondents enumerated under Item Nos.5,9 and 10 of Sch.IV of MRTU & PULP Act, 1971.

4. In this application Complainant prayed for interim relief directing the Respondents to deposit unpaid salary of Rs.16,000/- for the month of September 2020 till date as per GR dated 14<sup>th</sup> September 2020. Even then the Respondent discriminately treating the complainant avoided to pay the amount of medical assistance. He submitted that he has prima facie case in his favour. Balance of

convenience also lies in his favour as he has not been paid said amount and if interim relief is not granted he will suffer irreparable loss. Lastly prayed to allow his application for interim relief.

5. After service of notice on the Respondents appeared through learned advocate Shri. P. K. Barsawade on 27.01.2022. Thereafter on 17.03.2022 and 01.04.2022 vide applications Exh.C-4 and C-5 sought time to file its say to the interim relief application. Even after granting opportunities to file say, the Respondents neither turned to the Court nor filed their say. Hence, vide order dated 06.09.2022 the matter was proceeded without say of the Respondents.

6. From the contentions of the Complainant, the following points arise for my determination to which I record my findings for the reasons given thereunder :-

	POINTS		FINDINGS
1	Whether the Complainant has prima facie case in his favour ?		In the affirmative.
2	Whether balance of convenience lies in his favour ?		In the affirmative.
3	Whether Complainant will suffer irreparable loss of interim relief is not granted ?		In the affirmative.
4	What order ?		As per final order.

## REASONS

### As to Point No.1:

7. Heard learned advocate for the Complainant at length. Perused the complaint, interim relief application and documents filed on record below Exh.U-9.

8. Perusal of the interim relief application shows that, the Complainant is claiming deposit of salary amount of Rs.16,000/- from the month of September 2020 till date as per GR dated 14.09.2020. He has filed documents along with list Exh.U-9. Copy of said GR is filed on record. Clause 7 of the said GR is relevant and hence reproduced below -

७. कोविड-१९ च्या अनुषंगाने नागरी भागात काम करणा-या नागरी स्थानिक स्वराज्य संस्था स्तरावरील संबंधित कर्मचारी, नगरपरिषदेचे सफाई कर्मचारी, कोविड-१९ च्या अनुषंगाने सर्वेक्षणाचे काम करणा-या अंगणवाडी सेविका, अंगणवाडी मदतनीस, अशा कार्यकर्त्या असे सर्व कर्मचारी जोखीम पत्करून काम करत असल्यामुळे त्यांना नियमित वेतन मानधना व्यतिरिक्त रुपये १०००/- इतकी प्रोत्साहनपर रक्कम १२व्या, १३ व्या व १४ व्या वित्त आयोगाच्या व्याजाच्या रकमेतून देण्यात यावी.

9. Prima facie it is to be seen that, whether the Complainant

is eligible to get such amount of Rs.1000/- towards encouragement for performing duties during Covid-19 pandemic. He has filed xerox copies of orders dated 25.08.2020 and 18.09.2020 wherein he has been appointed and directed to perform duties in respect of Covid-19 by Respondent No.2. Thereafter one xerox copy of office order dated 22.09.2020 shows that the Complainant was also directed to perform duties under scheme "My Family My Responsibility". It is not challenged.

10. Further perusal of documents i.e. xerox copy of resolution passed in the General Body Meeting of Nagarpanchayat dated 08.07.2021 shows that it was resolved that Complainant has performed duties in respect of prevention of Covid-19. All these documents show that, Complainant has performed duties in Covid-19 pandemic as per instructions and written orders of the Respondents. Prima facie the Government Resolution dated 14.09.2020 goes to show that, Complainant is eligible for encouragement allowance along with his monthly salary for performing duties during Covid-19 pandemic.

11. Besides notice the Respondent did not file their say to

bring on record otherwise that they have already paid him such allowance or he is not eligible for such payment etc. In absence of any documents or say of the Respondents, non payment of such amount prima facie amounts to unfair labour practice under Item 9 of Sch.IV of the MRTU & PULP Act, 1971. Therefore, considering all these documents Complainant has succeeded to show prima facie case in his favour. Accordingly, I answer point No.1 in affirmative.

**Point Nos.2 and 3 :**

12. As the Complainant has succeeded to establish prima facie case in his favour and unfair labour practice on the part of the Respondents, balance of convenience lies in favour of the Complainant. Further the Complainant has filed this complaint for non payment of medical reimbursement of Rs.,5,42,261/- and on oath stated that his economical condition is weak. He is also prima facie legally entitled for it. Considering that he is working as helper with the Respondents and his meager salary amount, irreparable loss would be caused to the Complainant. Hence, I answer Point Nos.2 and 3 in affirmative and proceed to pass the following order.

**: ORDER :**

- 1) Application Exhibit U-2 for interim relief is allowed.
- 2) The Respondents are hereby directed to desist from engaging in unfair labour practice under item 9 of Sch.IV by not paying amount of Rs.1,000/- to the Complainant as per Government Resolution dated 14.09.2021 temporarily till final disposal of the main complaint.
- 3) The Respondents are further directed to deposit an amount of Rs.16,000/- due to the Complainant as per Government Resolution dated 14.09.2021 in the office of this Court within a period of one month.
- 4) Complainant is at liberty to withdraw the said amount after deposit of the same by the Respondents.

Satara.

Date : 07.11.2022.

( P. V. Chatur )  
Member,  
Industrial Court, Satara.

Argued on : 12.10.2022  
Judgment dictated on : 07.11.2022  
Judgment transcribed on : 08.11.2022  
Judgment checked & signed on : 16.11.2022