

IN THE COURT OF INDUSTRIAL COURT, MAHARASHTRA AT PUNE**Complaint (ULP) No. 20 Of 2023**

(CNR No.MHIC120001022023)

Shri Anurudra Pandurang Salunke	..Complainant
V/s	
Pune Mahanagar Parivahan Mahamandal Ltd. Pune	..Respondents

Order Below Ex.U-2(Date : 17th October 2025)

01. This is an application, filed u/s 30(2) of MRTU & PULP Act, 1971, for staying implementation and execution of order of reversion dated.03/02/2023.
02. The case of the complainant in brief is that, in year 2011 he joined his services with respondent Corporation as contractual driver bearing no.C-794. Since 01/03/2013, he started serving as Badali Hangami Rojandari Chalak bearing No.3020, with respondent. On 30/12/2021, sanction is came to be accorded by President and Managing Director for appointing Badali Hangami Rojandari Chalak, on the vacant post of permanent driver, as per their seniority. On 30/12/2021, on probation, he is came to be appointed, on the post of permanent driver bearing no.4350, for the period in between 01/01/2022 to 30/06/2022, on pay band of Rs. 5200-20200 and grade pay of Rs. 2800/-. On 2/08/2022, 98 drivers, who were appointed by said order dated 30/12/2021 are came to be confirmed as their probation period and attendance completed satisfactorily.

03. However, though he was appointed by said order dated. 30/12/2021, he was not confirmed and his probation period was extended from 01/07/2022 to 31/12/2022, after mentioning endorsement that, he has not produced his Caste Validity Certificate.

04. Though he served on permanent post of driver No. 4350 for 13 months and 2 days from 01/01/2022 to 03/02/2023, suddenly by order dated 03/02/2023, he came to be reverted on the post of Badali Hangami Rojandari Chalak bearing No. 3020 having back dated effect w.e.f. 01/01/2023, without holding any departmental enquiry.

05. His actual reversion on said Badali Hangami Rojandari Chalak bearing No. 3020 post, without availability such post is w.e.f. 02/02/2023. There is also non payment of salary of January 2023, though he served on permanent post of driver bearing No. 4350, but paid him 75% salary of Badali Hangami Rojandari Chalak bearing No. 3020.

06. The respondent has thus committed breach of provision prescribed under Payment of Wages Act, 1936 and demand no. 5 of Industrial Settlement (Agreement) of 1986. The respondents also practiced and practicing unfair labour practices as contemplated under item no. 9 and 10 under Sch. IV and Section 28 of MRTU and PULP Act, 1971.

07. As such, he has filed Complaint (ULP). Some time will require for it's decision. Meantime the respondents is required to be prohibited

from practicing unfair labour practices, stay the implementation and execution of order of his reversion dt. 03-02-2023, directing the respondent to appoint him on the post of Permanent Driver bearing no. 4350 and pay him it's salary.

08. Lastly, he claimed application as prayed may be allowed.

09. The respondent by filing say at Exh. C-2 denied all allegations and contested the application on the grounds that, it is providing inexpensive, safe and easy transportation to common citizen. It is neither engaged in practicing any unfair labour practice or committed breach of any legal provision or settlement or agreement.

10. At the time of his first appointment and joining duty as Badli Hangami Rojandari Driver, the complainant had submitted his caste certificate of Hindu Mahadev Koli (ST). As per order dt. 30-12-2021 he was conditionally appointed on schedule post of driver on probation from 01-01-2022 to 30-06-2022. In spite of notice dt. 04-01-2022, he failed to submit his caste validity certificate. Letter to Member of Caste Validation Committee, Beed was issued, but no any reply received from it. Opportunity was given to the complainant by extending his probation period from 01-07-2022 to 31-12-2022, so as to comply the condition and produce his caste validation certificate. However, he failed to do so.

11. As such Departmental Promotion Committee of respondent recommended vide it's report dt. 13-12-2021 to revert the complainant, on account of non submission of caste validation certificate. Accordingly

he came to be reverted back to his original post w.e.f. 01-01-2023, by order dt. 03-02-2023. The provisions of Payment of Wages Act, 1936, Industrial Settlement (Agreement) of 1986 and earlier order dt. 15-07-2019 issued by President and Managing Director, in respect of holding departmental enquiry will not apply.

12. The complainant after suppressing material facts and without having prima facie case and balance of convenience in his favour is claiming final relief at interim stage. If prohibitory relief is not granted, he will not suffer any loss. But if it is granted the respondent will suffer an irreparable loss.

13. Lastly the respondent prayed for rejecting the application with cost.

14. Heard. Perused record. Following points arise for determination and my findings thereon for the reasons recorded thereunder are as follows -

Points	Findings
(1) Whether the complainant proves prima-facie case in his favour ?	Partly Affirmative
(2) Whether complainant proves that balance of convenience is lies in his favour ?	Partly Affirmative
(3) Whether complainant proves that irreparable loss would be cause to him, if interim relief as prayed is not granted ?	Partly Affirmative
(4) What Order ?	As per Final Order

Reasons**Point Nos.1 to 4 :-**

15. In support of the application, the complainant has produced on record his affidavit at Ex.U-3.

16. In support of the say the respondent has produced on record affidavit of Deputy Chief Manager Shri Mohan Kedari Dadas, R/o. Bhekarinagar, Pune at Exh.C-3.

17. After hearing arguments of representative of the complainant and advocate of the respondent, I have gone through the record, in consonance with the same.

18. It is true, for seeking interim prohibitory relief, the complainant is under obligation to prove three ingredients i.e. prima facie case, balance of convenience and irreparable loss and he can not claim final relief at interim stage, as is rightly submitted by advocate of respondent.

19. On perusal of pleadings of both the parties it becomes clear that, there is no any dispute between them on the facts that on 01-03-2013, the complainant is came to be appointed on the post of Badli Hangami Rojandari Chalak bearing no. 3020 with the respondent, on 30-12-2021 President and Executive Director of the respondent has taken decision to appoint Badli Hangami Rojandari Chalak, on the vacant post of permanent driver, as per their seniority, accordingly as per order of said date, the complainant was came to be conditionally appointed on

probation, on the post of Permanent Driver bearing no. 4350 for the period in between 01-01-2022 to 30-06-2022, in pay band of Rs. 5200-20200 and grade pay of Rs. 2800/- on 02-08-2022 ninety eight drivers who were appointed on the post of permanent drivers as on 30-12-2021 are came to be confirmed, however the probation period of complainant is came to be extended during the period in between 01-07-2022 to 31-12-2022 with endorsement that he has not produced his caste validation certificate and by order dt. 03-02-2023, he came to be reverted on his original post of Badli Hangami Rojandari driver bearing No. 3020 w.e.f. 01-01-2023, due to want of non submission of his case validation certificate.

20. According to the complainant, as his service on the post of permanent driver was completed for 13 months 02 days, his probation period was completed, the respondents can not revert him without holding enquiry, in fact there is no reverted post and thus the respondent practiced unfair labour practices within the meaning of item no. 9 and 10 under Sch. IV, committed breach of provisions prescribed under Payment of Wages Act, 1936 and demand no. 5 of Industrial Settlement (Agreement), 1986.

21. Admittedly the probation period of the complainant has not been completed satisfactorily. In the circumstances, the arguments of representative of the complainant that, as he completed his services for more than 13 months and 02 days on permanent post, as such he

becomes the permanent employee and he can not be reverted without holding an enquiry can not be accepted as correct one, at this prima facie stage.

22. The complainant in Complaint itself admitted that, there are three categories of drivers in respondent corporation i.e. contract drivers, Badli Hangami Rojandari Driver and permanent driver and in the circumstances, arguments of his representative to the effect that there is no such post can not be accepted as correct one. As discussed earlier, it has come on record the respondent admitted in its pleadings that there is reversion of the complainant and in the circumstances arguments of its advocate that there is no such post and no actual reversion, also can not be accepted as correct one, at this very prima facie stage.

23. However, advocate of respondent by taking support copy of pay slip of the complainant pertaining to month December 2022 at Sr. No. 19 with list Exh. U-4 rightly submitted that as the complainant is drawing monthly salary more than of Rs. 10,000/- and as such provisions prescribed under Payment of Wages Act, 1936 will not apply.

24. The respondent in its say and written statement at Exh. C-2 contended that, the complainant joined his duty as Badli Hangami Rojandari Driver in the year 2013 after submitting his caste certificate of Hindu Mahadev Koli (ST), caste category. However, subsequently in the say and written statement, the respondent admitted that the

complainant was appointed as a driver on contract basis firstly and then he was taken in the cadre of Badli Hangami Rojandari Driver. It is not the case and prima facie evidence at the hands of the respondents that the posts i.e. contract basis, Badli Hangami Rojandari or permanent post of driver were reserved for Hindu Mahadev Koli (ST) caste category, the complainant applied for said post on said caste category and accordingly he was selected and appointed on said reserved post. Merely because the complainant submitted his caste certificate of said caste at the time of his second appointment on the post of Badli Hangami Rojandari Chalak as on 01-03-2013 from the post of contract drivers appointment taken place in the year 2011, it can not prima facie be inferred that the vacant permanent post of driver bearing no. 4350 was reserved for said caste category.

25. However copies of his temporary appointment order dt. 30-12-2021 and probation extension order dt. 02-08-2022 at Sr. no. 6 and 11 with list Exh. U-4, on the post of permanent driver No. 4350, appears to be conditional subject to production of his caste validity certificate, which he admitted and accepted. Not only this he by filing copies of applications dt. 24-08-2022, 13-12-2022 and 28-12-2022 produced on record at sr. no. 10 with list Exh. U-4 appears to be applied to Deputy Commissioner, Social Welfare Department, Aurangabad and sought time extension from the respondent for submission of said certificate. Admittedly he has not produced on record his caste validity certificate

before the respondent. The copy of application dt. 12-05-2022 at Sr. No. 9 with list Exh. U-4 prima facie shows that he has shown his inability to produce the said certificate to the respondent, on the reason that court cases are pending. However there is no such prima facie evidence is on record. But it is not the case and prima facie evidence at the hands of either party that copy of caste certificate of the complainant at Sr. No. 26 with list Exh. U-4 which was produced before the respondent is fraudulent or bogus.

26. In case of Vijay Kishanrao Kurundkar and another V/s State of Maharashtra and others, Civil Appeal No. 1865/2020 (arising out of SLP (C) No. 32595/2018 dt. 28-02-2020, relied on by the representative of complainant, it is observed by their lordships that, it is prite law that an appointment secured on the basis of fraudulent certificate is void ab initio. The representative of the complainant appears to be rightly submitted that such is not the case in present Complaint (ULP).

27. The copies of Industrial Settlement (Agreement) 1986 at Sr. No. 28 and PMPML Pramotion Scheme dt. 15-07-2019 at Sr. No. 29 with list Exh. U-4, though show procedure of appointment, promotion and reversion, admittedly the appointment of the complainant was conditional and on probation. In the circumstances the submissions of his representative of complainant about breach of the same by respondent by non holding departmental enquiry can not be accepted as correct one.

28. In case of Narendra Khemabhai Parikh V/s. National Textiles Corporation Ltd. and another, II CLR, H.C. GUJRAT 611 relied on by the representative of complainant. It is observed that, penalty of reduction in rank can not be imposed on an employee who is a direct recruit. However, as discussed earlier it has come on record that such is not the position in present proceeding. In the circumstances, the submissions of representative of the complainant and cited case law, with due respect, will not help to the complainant.

29. In case of Vasant Ramchandra Kumbhare and another V/s. Schedule Tribes Certificate Scrutiny Committee and other, DGLS (Bom.) 355, relied on by the representative of the complainant, it is observed that the petitioners who failed to establish their caste claim for schedule tribe category, who promoted on substantial post prior to 15-06-1995 would be entitled to protect their services. However, as discussed earlier it has come on record that such is not the position in present proceeding. In the circumstances, the submissions of representative of the complainant and cited case law, with due respect, will not help to the complainant.

30. Representative of complainant by relying on case of Dharamsing and others V/s. State of UP and another Civil Appeal No(s). 8558/2018 dt. 19-08-2025 submitted that the services of the complainant may be continued and regularised on permanent post of the driver. However, the copies two GR dt. 14-12-2022 and 04-10-2024

and circular dt. 10-12-2024 with list Exh. U-9 relied on by the complainant are not disclosing such is the position in present complaint. The facts mentioned in cited case law are different. With due respects the same will not help the complainant at this prima facie stage.

31. However, the copies of pay slip of October 2020 at Sr. No. 2, appointment order dt. 30-12-2021 at Sr. No. 6, reversion order dt. 03-02-2023 and pay slip of January 2023 at Sr. No. 24 with list Exh. U-4 prima facie shows that there is change of pay scale of the complainant before his appointment on probation dated 30-12-2021 and after his reversion dt. 03-02-2023. The respondent appears to be not considered his application dt. 02-01-2023 (copy is on record at Sr.No. 26 with list Exh. U-4). The copies of Maharashtra Government GR dt. 14-12-2022 and dt. 04-10-2024 as well as circular dt. 10-12-2024 prima facie shows protection of monitory benefits of such employees. The respondents appears to not considered the same.

32. Considering facts, circumstances, evidence on record and legal position discussed above, I come to the conclusion that the complainant has brought on record prima facie case to the extent of monitory service benefits of permanent driver and thus, he is having balance of convenience to that extent in his favour. If partial prohibitory order to that extent is not passed the complainant will suffer an irreparable loss. Accordingly, point Nos.1 to 3 answered as 'partly affirmative' and I pass the following order.

Order

1. Application at Exh. U-2 is hereby partly allowed as follows :

(a) It is hereby declared that the complainant has partially brought on record prima facie that the respondent is engaged in practicing unlawful labour practice under item no. 9 and 10 of Sch. IV u/s. 28 of MRTU and PULP Act, 1971 and thus the implementation and execution of order of reversion dt. 03-02-2023, is hereby stayed to the extent of change of monitory service benefits i.e. change of pay of temporary driver No. 4350 by pay of Badli Hangami Rojandari Chalak No. 3020 and the respondent is directed to pay him pay of temporary driver No. 4350 after deducting payment already made to him, though he is serving on Badli Hangami Rojandari Chalak No. 3020 w.e.f. 01-01-2023, till the decision of the Complaint (ULP), as mentioned in Maharashtra Government GR dt. 14-12-2022 and 04-10-2024.

(b) The other reliefs claimed by the complainant i.e. stay to order of his reversion dt. 03-02-2023, his reinstatement on the post of temporary driver no. 4350 and not to avoid his seniority on said post are hereby rejected.

2. The order of cost of this application will be as per order of the costs in main Complaint (ULP).

Pune.

Date : 17th October 2025.



sd/-
(R.G. Malashetti)
Member,
Industrial Court, Pune