

**IN THE COURT OF  
MEMBER, INDUSTRIAL COURT, AKOLA . AT AKOLA  
PRESIDED OVER BY SHRI. N. A. MALUNJKAR**

**COMPLAINT ULP No.- 78 / 2022**

**CNR No.- MHIC30-000088-2022**

**Vikas Pradip Kathole,**

Aged about 35 years, Occ. Labour,

R/o Hanuman Chouk, Vitthal Nagar, Mothi ... **COMPLAINANT**  
Umari, Akola, Tq. and Dist. Akola.

**...Versus...**

1. **Registrar, Dr. Panjabrao Deshmukh**  
Krushi Vidhyapith, Akola. Tq. Dist. Akola.
2. **Prasektra Adhikari, Shivar Vibhag,**  
Madhavarti Pratyakshik Prashetra,  
Dr. Panjabrao Deshmukh KrishiVidhyapith, ... **RESPONDENTS**  
Vani Rambhapur, Akola.

**Coram :- Shri N. A. Malunjkar, Member.**

**Appearance :- Shri N. S. Mahalle, Ld. Adv. for the Complainant.**

**:- Shri S. S. Rajderkar, Ld. Adv. for the Respondents.**

**: Order Below Application Exh.- U-2 :**

**( Delivered On 7<sup>th</sup> March, 2024 )**

01] This complaint is filed under Item 6 and 9 of Schedule IV of the M.R.T.U. and P.U.L.P. Act. The complainant has sought for permanency and regularization with the respondents on the grounds that he

has worked consistently with the respondents for considerable period including more than 240 days per year.

02] The complaint is annexed with an application for interim relief under Section 30(2) of the M.R.T.U. and P.U.L.P. Act, wherein, the complainant has sought protection from this Court that the respondents should not terminate the services of the complainant in a vindictive manner as he has filed this complaint for regularization.

03] The respondents appeared in the matter and filed its reply. The respondents have vehemently opposed the application for interim relief as well as the contents of the complaint. According to the respondents, this complaint is beyond limitation and that regularization or absorption of the employees cannot be done without prior permission of the State Government as the respondent as Agricultural University they have not financial resources of its own.

04] Based on the application for interim relief, reply and the documents of the complainant this interim relief has to be decided on the following issues.

<b><u>Sr. No.</u></b>	<b><u>Issues</u></b>	<b><u>Findings</u></b>
1.	Whether Complainant make out a - Prima Facie Case, for grant of	In the Affirmative

Interim Relief, as is prayed for ?

2. Whether the Balance of Convenience & Irreparable Loss, lies in favor of the Complainant ? - In the Affirmative
3. What order ? - As Per Final Order

### **REASONS**

05] **As To Issue Nos.- 1 to 3 :-** I shall decide all the three issues together. I have perused the complaint, reply to the interim relief and upon hearing arguments of both the parties, I have come to the conclusion that the complainant has rightful apprehension that his services might be terminated.

06] The respondents engage about thousand of daily wage employees and it can be seen that they are doing the job for years together. This Court is and has dealt with several matters of this institution, under Item 6 and 9 of Schedule IV of the M.R.T.U. and P.U.L.P. Act. The M.R.T.U. and P.U.L.P. Act is legislation with attention to even consider the apprehension of employee, if the daily wager loses their earning then this complaint might not survive and this apprehension of the complainant has to be addressed.

07] The complainant has definitely made out prima facie case. The balance of convenience is in favor of the complainant and if this interim relief is not granted irreparable loss is caused to the complainant. Hence, I proceed to pass the following order.

**: ORDER :**

- i.** The Application Exh.- U-2, in the Complaint ULP No. 78 of 2022, is hereby allowed on the following terms.
- ii.** Pending hearing and final disposal of the main complaint on merits the respondents are hereby directed not to terminate the services of the complainant without following due process of law.
- iii.** The respondents are hereby directed to give work to the complainant as per seniority list and as per the availability of work with the respondents in their respective department.
- iv.** No orders as to costs.

**Akola.**

**Date :- 07-03-2024.**

**(N. A. Malunjkar)  
Member,  
Industrial Court, Akola.**