

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

COMPLAINT ULP No.- 121 / 2022

CNR No.- MHIC30-000132-2022

Dilip Laxmanrao Gawande,

Age about 54 years, Occ. Labourer,

R/o Kothari, Post Pailpada, Tq. & Dist. Akola. ...

COMPLAINANT

...Versus...

The Registrar,

Dr. Punjabrao Deshmukh

Krushni Vidyapeeth, Akola. ...

RESPONDENT

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

Appearance :- Shri P. R. Dharmadhikari, Ld. Adv. for Complainant.

:- Shri S. S. Rajderkar, Ld. Adv. for the Respondent.

: Order Below Application Exh.- U-2 :

(Delivered On 7th March, 2024)

01] This complaint is filed under Item 5, 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 respondent on the grounds that he has worked consistently with the respondent 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 respondent should not terminate the services of the complainant in a vindictive manner as he has filed this complaint for regularization.

03] The respondent appeared in the matter and filed its reply. The respondent has vehemently opposed the application for interim relief as well as the contents of the complaint. Respondents submitted that for administrative urgency, they are having right to transfer the services of the complainant. There is no material on record which shows that there is threat to the services of the complainant. Further the respondent submitted that they do not have any intentions to terminate the services of the complainant but it depends upon availability of work with them. According to the respondent, this complaint is beyond limitation and that regularization or absorption of the employee 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.

<u>Sr. No.</u>	<u>Issues</u>	<u>Findings</u>
1.	Whether Complainant make out a Prima Facie Case, for grant of Interim Relief, as is prayed for ?	In the Affirmative
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 respondent 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. 121 of 2022, is hereby allowed on the following terms.
- ii.** Pending hearing and final disposal of the main complaint on merits the respondent is hereby directed not to terminate the services of the complainant without following due process of law.
- iii.** The respondent is hereby directed to give work to the complainant as per seniority list and as per the availability of work with the respondent in their respective department.
- iv.** No orders as to costs.

Akola.

Date :- 07-03-2024.

(N. A. Malunekar)
Member,
Industrial Court, Akola.