

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

COMPLAINT ULP No.- 131 / 2021

CNR No.- MHIC30-000148-2021

- 1. Narayan Ambadas Sontakke**
Age - 44 years, Occu. - Service,
R/o Datta Nagar, Mothi Umari, Akola,
Tq. Dist. Akola.
- 2. Surendra Atmaram Bobade**
Age - 55 years, Occu. - Service,
R/o At Post- Babulgaon, (Jahangir),
Tq. Dist. Akola.
- 3. Mahadeo Narayan Dharamkar**
Age - 43 years, Occu. - Service,
R/o At Post Guladhi, Tq. Dist. Akola.
- 4. Pandurang Tulshiram Murumkar**
Age - 44 years, Occu. - Service,
R/o At Post Shivar, Akola, Tq. Dist. Akola.
- 5. Mahadeo Ramkrushna Ingale**
Age - 51 years, Occu. - Service,
R/o At Post Dhotardi, Tq. Dist. Akola.
- 6. Raghunath Annaji Bhartilak**
Age - 47 years, Occu. - Service,
R/o Khadki Bk, Near Kothari Watika No. 6, ... **COMPLAINANTS**
Sanju Nagar, Akola, Tq. Dist. Akola.

...Versus...

1. **Registrar,**
Dr. Panjabrao Deshmukh Krushi Vidyapith,
Akola, Tq. & Dist. Akola.
2. **Vice Chancellor,**
Dr. Panjabrao Deshmukh Krushi Vidyapith,
Akola, Tq. and Dist. Akola.
3. **Secretary,**
Department of Agricultural, Animal
Husbandry, Dairy & Fisheries ... **RESPONDENTS**
Development, Mantralaya, Mumbai-32.

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

Appearance :- Shri V. V. Gawande, Ld. Adv. for the Complainants.

:- Shri S. G. Gawai, Ld. Adv. for the Respondents.

: Order Below Application Exh.- U-2 :

(Delivered On 19th 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 complainants have sought for permanency and regularization with the respondents on the grounds that they have 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

complainants have sought protection from this Court that the respondents should not terminate the services of the complainants in a vindictive manner as they have 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 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 complainants this interim relief has to be decided on the following issues.

<u>Sr. No.</u>	<u>Issues</u>	<u>Findings</u>
1.	Whether complainants 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 complainants ?	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 complainants have rightful apprehension that their 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 complainants have to be addressed.

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

: ORDER :

- i.** The Application Exh.- U-2, in the Complaint ULP No. 131 of 2021, 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 complainants without following due process of law.
- iii.** The respondents are hereby directed to give work to the complainants 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 :- 19-03-2024.

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