

Exh.O-1

THE INDUSTRIAL COURT (MAHARASHTRA)
(BHANDARA BENCH), BHANDARA.

Complaint (ULP) No. 29 of 2023
(CNR NO.MHIC36-000047-2023)

Ramdas Sryabhan Tumsare

..... **versus**

Vividh Karyakari Sewa Sahkari Sanstha
Maryadit, Kardi + 1

ORDER BELOW EXH.U-2
(Passed on 24th March, 2023)

Read complaint with this application. Heard learned Advocate for the complainant. He urged that, complainant is initially appointed as a "Peon" from 20.10.1995 as per the resolution dated 19.10.1995 passed by the Managing Committee of respondent no.1. He is full time employee of respondents and getting salary of Rs.7,000/- p.m. However, on 01.11.2016, respondent Society without following due process of law orally terminated the services of complainant. Therefore, he filed Complaint (ULP) NO.28/2016 before Labour Court, Bhandara and the Labour Court, Bhandara was pleased to quash and set

aside the impugned order of termination on 21.01.2019. In view of the directions of the Labour Court Bhandara complainant was reinstated on his former post and till today he is working as a "Peon". He regularly worked for more than 240 days without any break in service and thereby, achieved the status of deemed permanent employee of the respondents. However, respondents are reluctant to make his service regular. So, being no other alternative he constrained to file this complaint as per Section 28 read with Item 6 and 9 of Schedule IV of the MRTU & PULP Act.

2] The learned Advocate on the query of Court submitted that Notice under Rule 115 is not possible because if such notice is reached to the respondents, they may again illegally terminate the services of complainant. He submits that, there is grave apprehension in the mind of complainant that no sooner the notice of this complaint is received to the respondents, they may take colourable steps in removing the complainant from service. Therefore, it is necessary to pass the order of status quo so far as employment of complainant is concerned.

3] Perused documents on record. It seems from the copy of judgment passed in Complaint (ULP) No.28/2016 complainant is reinstated on service. This is a complaint for

regularization of service and pending the complaint if complainant is removed from service, the very purpose of filing of this complaint stands frustrated. In view of that, I pass following order.

ORDER

- i] Respondents, their agents, servants or any other on behalf of them are hereby restrained from removing complainant from service or change his service conditions without following due process of law, till their appearance before the Court.
- ii] Issue notice to respondents as to why ad interim injunction granted herein-above should not be confirmed in favour of the complainant.
- iii] Notice returnable on 28.04.2023.

Bhandara.

(Atul K. Shah)

Member

Dated: 24.03.2023

Industrial Court, Bhandara.