

Exh. No. _____

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

REVISION APPLICATION (ULP) NO. 23/2025

(CNR NO. - MHIC360001002025)

Sarpanch,
Gram Panchayat Indurkha,
Tah. & Dist. - Bhandara and one.

- V E R S U S -

Pralhad T. Pudke and one.

ORDER BELOW EXH. C-2

(Passed on 28th November, 2025)

This application is preferred by the appellants (original respondent) for grant of stay to the effect and operation of the impugned Judgment and order dated 30/09/2025 passed by the learned Labour Court, Bhandara in Complaint (ULP) No. 09/2023. (The parties hereinafter shall be referred to as per their original status before the learned Labour Court).

02. Perused the application, which is being supported by an affidavit being executed by Pragati Sachin Bhure, Sarpanch, Grampanchayat Indurkha.

03. Say of respondent / original complainant has been called for. Vide Exh. U-2, the complainant has filed detailed say and has strongly opposed this application. The reply is supported by an affidavit being executed by complainant Pralhad T. Pudke.

04. Upon rival pleadings on record, following points arise for my determination and I have recorded my decision against it for the reasons stated below :-

<u>POINTS FOR DETERMINATION</u>	<u>DECISION</u>
01. Whether the appellants have made out prima facie case for grant of interim relief ? In the affirmative.
02. In whose favour balance of convenience tilts ? In favour of appellants.
03. Whether the appellants will suffer irreparable loss, if interim relief, is refused ? In the affirmative.
04. What order ? As per final order.

REASONS

05. I have heard learned Advocate Mr. V. A. Bhojar for the appellants / original respondents and learned Advocate Mr. T. S. Singade at length. Perused the application and documents on record.

AS TO POINTS NO. 1 TO 3 :-

06. To avoid repetitions, all three points are decided commonly.

07. Before the trial Court, the complainant Pralhad T. Pudke has filed the complaint with an allegation that unfair labour practice is being committed on the part of the respondents by terminating his services. The complainant was on the post of Gram Rojgar Sevak and by holding Gramsabha, his services were terminated on the allegations of action being taken by Anti Corruption Bureau. After completion of trial, the learned Labour Judge has partly allowed the complaint and directed the

respondents to reinstate the complainant with continuity of service and to pay 50% back wages since the date of termination.

08. Learned Advocate Mr. V. A. Bhojar for the appellants / original respondents has submitted that if stay is not granted then contempt petition will be filed by the original complainant. While opposing this application on behalf of the complainant, it is submitted that the complainant was in continuous service for 20 years and in his place one Chetan Ramesh Bondare has been appointed as temporary Gram Rojgar Sevak and therefore, no interim relief should be granted.

09. Upon giving detailed hearing to both the learned Advocates and on perusal of the order, in fact it is not disputed that in place of the complainant one person by name Chetan R. Bondare is already appointed as a Gram Rojgar Sevak. When this Court made query, both the learned Advocates have submitted that said Chetan R. Bondare was not party to the main complaint. One of the prayer clause in the original complaint was regarding appointing complainant and removing Chetan R. Bondare. Under such circumstances, said Chetan R. Bondare ought to have been made a party or should be given a chance of hearing, even though he may not be necessary party. But considering the prayer, certainly he comes within the purview of proper party as the impugned order under challenge is going to affect his right being appointed as a Gram Rojgar Sevak in the Gramsabha of Grampanchayat Indurkha. On this count, itself the prima facie case in face is made out by the Grampanchayat for grant of stay to the effect and operation of impugned judgment passed by the learned Labour Court.

10. Learned Advocate Mr. V. A. Bhoyar further argued that many grounds are raised in revision petition that Gramsabha is not made party to the original complaint and only Sarpanch and Secretary are made as party when in fact as per the rules the Sarpanch is only calling Gramsabha and decision is made by the Gramsabha. Further contentions are that yet the special Court has not decided the criminal case lodged against the complainant and without considering said fact, the complaint was decided. On perusal of the revision petition, several grounds are raised, which can be decided only after giving fair opportunity of hearing to both parties and therefore, at this stage since various factors and grounds are mentioned, which needs consideration on merits, certainly the balance of convenience for stay to the effect and operation of impugned judgment and order is in favour of the respondents.

11. It is an admitted fact that from the date of termination, the complainant is out of service and even new Gram Rojgar Sevak is appointed, which itself is submitted by the complainant and considering these facts, I do not find that any irreparable loss is going to cause the complainant, if the stay is granted. In view of above discussion, I am of the opinion that the appellants have made out prima facie case for grant of interim relief and balance of convenience tilts in their favour. The appellants will suffer irreparable loss, if the interim relief is refused. Further, the complainant will not suffer any irreparable loss, which cannot be compensated in terms of money, if the interim relief is granted. I, therefore, answer points no. 1 & 3 in the affirmative and point no. 2 in

favour of appellants. Thus, in the interest of justice, I pass following order.

ORDER

01. The application Exh. C-2 for interim relief is allowed and made absolute in terms of prayer clause (I).
02. The impugned judgment and order dtd. 30/09/2024 passed by the learned Labour Court, Bhandara in Complaint (ULP) No. 09/2023 is hereby stayed till final disposal of the main revision petition.
03. Record and Proceedings of trial Court in Complaint (ULP) No. 09/2023 be called for.
04. Both parties to cooperate for expeditious disposal of main revision petition.
05. No order as to costs.

BHANDARA.
Date :- 28/11/2025.

(Kishore M. Jaiswal)
Member,
Industrial Court, Bhandara.

Argued on : 26/11/2025
Dictated on : 28/11/2025
Typed on : 28/11/2025
Checked & Signed on : 29/11/2025.
MSH/-