

Mr. Shailesh Tiwari,

Complainant...

V/s.

M/s. Uttam Galva Steels Limited.,
and ors 2

Respondents...

ORDER BELOW Exh. U-7
(Dt. 04.05.2023)

Through this application complainant seeking ad-interim relief in terms of prayer a to e.

2. Perused application. Heard learned advocate Miss Shruti Chaudhari for complainant.

3. It is submission of learned advocate for complainant that the complainant is in service as respondent no. 1 as Steno Secretary (Marketing) vide appointment letter 16.01.2012. After completion of probation period the service of complainant was confirmed by letter Dt. 16.01.2013. During 11 years service tenure the complainant was not issued with any memo, warning, show cause notice and or charge sheet for any misconducts. Despite this on. 09.03.2023 the respondent no. 2 and 3 forcefully and under threat obtained the resignation of complainant. However, respondents till date have not given acceptance to the resignation. On the contrary the complainant by letter dt. 06.04.2016 withdrew the resignation obtained forceful by the respondents. Despite this respondents by email Dt. 20.04.2023

informed the complainant that he is going to be relieved from service on 08.05.2023.

4. Further submission of learned advocate that as the forceful resignation has been withdrawn before the respondent acceptance and the issuance of relieving letter by the respondents, the complainant is entitled to rejoin the service and the respondent is bound to allow him to work. But despite withdrawal of resignation by complainant, respondents in prejudice to the complainant is in process of relieving the complainant from the service. The complainant is suffering from "Locomotor Disability". If he is relieved from his service there is no chance to him to get another employment. The act of respondents suddenly obtaining forceful resignation and not allowing the complainant to rejoin the work despite withdrawal of resignation by the complainant before giving acceptance is an Unfair Labour Practice on the part of respondents. In case the complainant is thrown out of service it will cause great loss to him and his family. Thus, prayed to allowed the application maintaining status quo of service of complainant.

5. Given thoughtful consideration to the submission made in the light of allegation made the respondents. It is fact that by email Dt. 20.04.2023 respondent informed the complainant that he is going to be relived from service on 08.05.2023. It is allegation of complainant that his resignation was obtained by force and threat. The respondents yet not given acceptance to the resignation. On the contrary by letter Dt. 06.04.2023 he has withdrawn the resignation obtained by force. Allegation of force resignation is question of trial. As on today there is immediate threat to the complainant of relieving

from service, which constrained the complainant file the present complaint seeking relief of deceleration of unfair labour practice on the part of respondents and his reinstatement in service with continuity and full back wages. In case the respondents in consonance with email Dt. 20.04.2023 succeeded in relieving the complainant from his service, it will cause get prejudice the complainant and the very purpose of complaint and the application of seeking interim relief will be frustrated. Thus, I am inclined to allow the application in following order.

Order

1. Application is party allowed.
2. The respondents are hereby directed to maintain status quo / not to take any forceful action in regard to the service of complainant till next date.
3. Issue notice of the application accompanied with order to the respondents R/O. 03.06.2023.

Mahad

Date : 04/05/2023

(P. M. Unhale)
Judge
Labour Court, Mahad