



BEFORE JUDGE, SECOND LABOUR COURT, AT KOLHAPUR.  
(Presided over by – K.B. Kamgauda)  
(JO Code – MH-1894)

Complaint (ULP)No.57/2025  
CNR No. MHLC090004112025

**Shri. Sanjay Ramchandra Desai,**  
Age:- 52 Years, Occu.:- Nil,  
R/o. Devkandgaon, Tal. Ajara,  
Dist. Kolhapur.-

... **Complainant**

V/s.

1. **Shri. Margubai Sahakari Doodh**  
**Vyavsaik Sanstha Ltd. Devkandgaon,**  
Tal. Ajara, Dist. Kolhapur.

2. **Shri. Margubai Sahakari Doodh**  
**Vyavsaik Sanstha Ltd. Devkandgaon,**  
Tal. Ajara, Dist. Kolhapur.  
Through Chairman,  
Shri. Sagar Vasant Tejam

... **Respondents**

**APPEARANCES :-**

Adv. V. S. Chavan, for Complainant.

Adv. S. D. Magdum, for Respondents.

**: ORDER BELOW EXH. U-2 :**

(Delivered on this 06<sup>th</sup> day of February, 2026)

1. Present application is filed for interim relief under Sec. 30(2) of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971 (*For sake of brevity hereinafter referred to as "MRTU & PULP Act, 1971"*) for direction against Respondent to reinstate the Complainant

pending present complaint. It is contention of the Complainant that he has filed Complaint u/s. 28 of the MRTU & PULP Act, 1971 alleging unfair labour practices at the hands of Respondents.

**Facts of the case in brief are as follows :-**

2. It is a brief history that Complainant was working with Respondents as a secretary. He is a workman and Respondents are an industry. The past history and service record of the Complainant is clean and unmarred. He narrated unfair labour practices against the Respondents. He joined service in the year 2013-2014. He was getting Rs.3500/- as a monthly salary. He used to work with Respondents since early morning and in evening session. He was absent from 22/09/2025 to 26/09/2025 due to his in-health. He was treated in Gadhinglaj. Doctor advised him after discharge he has to take rest for one week. Accordingly after rest, he went to join duties on 11/10/2025 along with medical certificate. However, Respondents refused and denied Complainant to resume work. Therefore, Complainant narrated the story of oral termination.

3. Oral termination amounts to an unfair labor practices on the part of Respondents. Action against the Complainant taken by the Respondents are nothing but unfair labour practice and violation of principles of natural justice. In spite of providing opportunity of being heard, without departmental enquiry Respondents have orally terminated Complainant on 11/10/2025. It is further stated that the termination order is illegal and improper. Lastly, it is prayed that Complainant be reinstated temporarily till the final decision of the complaint.

4. In response to notices Respondents appeared and filed written statement at Exh.C-4. It is stated that application is not maintainable. Respondents denied the contents of complaint and interim application. It is the defence of the Respondents that Complainant being in position of secretary and supervisory post do not fall under the definition of ‘workman’ therefore complaint is not maintainable. Respondents never indulged into unfair labour practices. In written statement in Para No. 3 admitted that Complainant was working with Respondents as daily wager. Respondents are availing services of Complainant whenever need arises. Complainant having bad habits like consuming alcohol. Due to such bad habit the ladies customers are suffering disturbance and uncomfortable. He was appointed to collect milk in morning and evening session. Due to his bad habits various members of society have made complaint before the Respondents. Complainant himself due to bad habit left his job. His behaviour with members specially with ladies was objectionable. Therefore, Respondents releaved him from daily wager. Respondents never terminated his service orally. Therefore, lastly it is submitted that application be rejected.

5. In view of rival pleadings, following points arise for determination, to which findings are recorded along with reasons given below :-

<b><u>S.N.</u></b>	<b><u>POINTS</u></b>	<b><u>FINDINGS</u></b>
1)	Whether Complainant has made out prima-facie case in his favour ?	Yes
2)	Whether Complainant proves that balance of convenience lies in his favour ?	Yes

3)	Whether Complainant proves that he will suffer irreparable loss, if interim relief refused ?	Yes
4)	What order?	As per final order

**-: REASONS :-**

**AS TO POINT NOS. 1 TO 3 :-**

6. To grant or refusal to grant interim relief is covered by three well established principles viz. 1) whether Complainant has made out prima-facie case; 2) whether Complainant would suffer irreparable injury in the absence of interim relief; and 3) whether balance of convenience lies in her favour. The burden to proving these three necessities lies on the person seeking interim relief. The Court has to see whether the claim is bonafide and whether there is a fair and substantial question to be tried.

7. Complainant seeking interim relief against the oral termination dated 11/10/2025. After perusal of entire pleadings and documents it reveals that there is no departmental enquiry held against the Complainant. Initially Respondents denied the relation with the Complainant. In Para No. 3 of the written statement it is stated that Complainant was not secretary. However, he was doing work on the basis of daily wager. Respondents used to call Complainant whenever need arises. Complainant used to collect milk from the members of the society in morning and evening sessions. However, due to his bad habits various members specially ladies are making complaint before the Respondents. Due to economical condition of Complainant and on humanity ground he was accommodated with the Respondents. Complainant failed to improve his behaviour and bad habits.

Complaints of various members of Respondent society are growing day today. Therefore, he was released from daily wager. Complainant calculated his service from the year 2013 and 2014. There is no specific denial about the service tenure of Complainant. Only objection with regard to his post either secretary or daily wager and another objection with regard to his behaviour with the members. From the record it shows that he was working with Respondents either may be secretary or as a daily wager. As there is no specific denial or pleading of service tenure of the Complainant. It can be inferred prima-facie that Complainant being workman or employee of Respondents. The written statement and its contents refers to serious allegations of behaviour, misconduct etc.

8. After perusal of written statement, it is stigmatic and making serious allegations of misconducts. Naturally if any employee being found in committed of misconduct, it followed the departmental enquiry. Unless and until misconduct, charges and allegations are proved by due process of law it cannot be part of termination order. Respondents in written statement itself narrated many allegations and misconducts against Complainant. Those allegations, misconducts and breaches on the part of Complainant are not proved in enquiry. Therefore, prima-facie the termination alleging misconduct without supporting of findings of Enquiry Officer seems to be illegal. From the written statement prima-facie again it proves that no enquiry is being conducted against the Complainant to prove charges. Hence, Complainant succeeded proving that prima-facie termination is against the provisions of law. Prima-facie it also proved that he was terminated without following due process of law. Prima-facie

Respondents indulged into unfair labour practice by terminating Complainant from 11/10/2025.

9. Respondents strongly objected that Complainant do not fall under the category of workman and he is not entitled to seek interim relief. Written statement also dispute the status of the Complainant as a workman. No doubt at the stage of interim, no proof or documents supporting of defence are required. However, it is settled position that even though there is objection to the jurisdiction and status of the employee, Court can proceed to decide interim application. Notwithstanding anything contained or objected by the Respondents in written statement, Court may proceed to decide interim application first. Therefore, the objection of the Respondents about status of the Complainant has no substance. The status of the Complainant can be proved after trial with sufficient evidence.

10. Complainant in present case prima-facie succeeded in fulfillment of legal principles. Complainant succeeded in proving prima-facie that Respondents have indulged in unfair labour practices. Complainant prima-facie proved three ingredients of interim application. If injunction is refused Complainant will suffer irreparable loss. It is necessary to reinstate Complainant till the decision of Complaint. Prayer of interim application is silent about back-wages. Therefore, issue of back-wages if any be kept open. Hence, Point Nos. 1 to 3 answered in "Affirmative" and in answer to Point No. 4 following order is passed.

**: ORDER :**

1. Application Exh. U-2 is allowed.

2. Respondents are hereby directed to allow Complainant to join his duties from today till the decision of main complaint.
3. No order as to costs.

Kolhapur  
Date :- 06/02/2026

( K. B. Kamgauda )  
Judge,  
Labour Court No. II, Kolhapur

Argued on :- 02/02/2026  
Judgment Dictated on :- 06/02/2026  
Judgment transcribed on :- 06/02/2026  
Judgment checked & signed on :- 06/02/2026