

BEFORE KALYANI R. ADAKE, JUDGE, LABOUR COURT, SOLAPUR

COMPLAINT (ULP) NO.05/2025

(CNR NO : MHLC13-000023-2025)

1. **Shri. Rupanna Chandrakant Kure**  
Age-36 Years, Occu-Service  
R/o. At- Khanapur, Post-Mhaisalgi  
Tal-Akkalkot, Dist-Solapur.
2. **Shri. Pradip Tipanna Mense**  
Age-25 Years, Occu-Service,  
R/o. At-Guddewadi, Post-Ankalgi,  
Tal-Akkalkot, Dist-Solapur.
3. **Shri. Vishwanath Dattatray Kande,**  
Age-37 Years, Occu-Service,  
R/o-Sangogi (B), Post-Maindargi,  
Tal-Akkalkot, Dist-Solapur.
4. **Shri.Mallikarjun Nagappa Jeurgi,**  
Age-38 Years, Occu-Service,  
R/o-Sangogi (B), Post-Maindargi,  
Tal-Akkalkot, Dist-Solapur.
5. **Shri. Vishal Basavraj Nimbale,**  
Age-27 Years, Occu-Service,  
R/o.A/p- Baslegaon,  
Tal-Akkalkot, Dist-Solapur.

...Complainants

*Versus*

**Agriculture Market Produce  
Committee, Akkalkot**  
Shri. Basveshwar Market Yard,  
Bagegalli Road A/p-Tal-Akkalkot,  
Dist-Solapur.

...Respondent

**CORAM : K. R. ADAKE, JUDGE**

**APPEARANCES** : Adv. V. R. Deshpande for the Complainants.  
: Adv. M.B. Aiwale for the Respondent.

**ORDER BELOW EXH U-2**

( Passed on 29/10/2025 )

1. The Complainants have filed the present complaint under apprehension of termination under Section-28 read with Schedule-IV under Item No.1(a), (b), (d), (f) and (g) of the Maharashtra Recognition

of Trade Union and Prevention of Unfair Labour Practices Act, 1971 (for sake of brevity hereinafter referred to as “**M.R.T.U. & P.U.L.P Act, 1971**”). The Complainants alongwith his complaint has filed an application for interim relief under Section-30(2) of the M.R.T.U. & P.U.L.P Act, 1971.

**The case of the Complainant in short is as under :-**

2. The Complainants contended that, they are working with the Respondent on various posts and the dates as stated in paragraph No.1 of the complaint and all of them are workman. They have initially worked as a daily wager and their service tenure with the Respondent is continuous and uninterrupted. The District Sub-Registrar of Co-operative Societies have given letter dtd.03/09/2024 to Respondent and directed to initiate recruitment procedure as per staffing pattern. The Respondent accordingly had given public notice dtd.04/09/2024 and called for applications for various posts such as Peon, Watchman and Driver. 26 candidates have applied for the job with the Respondent and after due verification of the documents the Respondent had called the candidates for examination and taken written examination on 22/09/2024. The list of eligible candidates were published including names of all the Complainants and thereafter, all the present Complainants have given interview. The Respondent have appointed all the Complainants and they have accordingly joined their respective posts. The work and the post on which the Complainants are working is regularly available and vacant post. The Complainants have not issued any show cause notice, memo or warning letter during their service tenure with the Respondent. The Respondent due to politics have decided to terminate services of the Complainants and appoint candidates of their favour in place of the Complainants. The Respondent has engaged in unfair labour practice. The Complainants prayed to allow interim relief application.

3. The Respondent appeared in the matter through advocate and filed reply to interim relief application and written statement at Exh.C-5. The Respondent resisted contentions of the Complainants. According to Respondent, the complaint is not maintainable. The contents of the complaint are false and incorrect. The Respondent being employer of the Complainants is having all the authority and power to terminate the services of the Complainants. The Respondent has admitted that all the Complainants are appointed after following recruitment procedure. It is not binding on the Respondent to issue show cause notice to the Complainants. The service of all the Complainants are temporary and therefore, the Respondent is having authority to terminate their services. The DDR office has given letter dtd.10/02/2025 and thereby cancelled sanction to the recruitment procedure. As per the letter of DDR it is not possible to keep the Complainants in the service of the Respondent. The Respondent has not engaged in any unfair labour practice as alleged by the Complainants. The Respondent prayed to reject interim relief application of the Complainants.

4. Considering the rival contentions of both the parties, following points arise for my determination and I have recorded my findings for the reasons thereunder :

POINTS		FINDINGS	
1)	Do the Complainants proves that they have prima-facie case?	:	“In the Affirmative ”
2)	Whether the balance of convenience lies in favour of the Complainants ?	:	“In the Affirmative ”
3)	Whether the Complainants are entitled for interim relief as prayed ?	:	“In the Affirmative ”

4)	What order ?	:	“As per final order”
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5. The Complainants have filed the present complaint under apprehension of termination. The Respondent has filed say to interim relief application. After hearing both the parties an ad-interim relief was granted to Complainants and matter was adjourned for argument on interim relief application.

6. Adv. V. R. Deshpande for the Complainants while arguing the application has submitted that, all the Complainants are working with the Respondent since the year 2024 on various post. The service tenure of all the Complainants with the Respondent is continuous and uninterrupted. All the Complainants are appointed by the Respondent by following recruitment procedure and inspite of that, now the Respondent is planning to terminate services of the Complainants without following due procedure of law. If the Respondent terminate the services of the Complainants then the Complainant will suffer irreperable injury and hardship and therefore, there is a need to grant protection to the service of the Complainants till decision of main complaint.

7. Advocate Aiwale for the Respondent while arguing the matter has submitted that, the complaint and interim relief application filed by the Complainants are not maintainable. All the Complainants are appointed by following recruitment procedure however, the DDR of Co-operative Societies have send letter dtd.10/02/2025 and thereby cancelled sanction given to recruitment on various grounds. As per the letter of DDR it is not possible to keep the Complainants in service of the Respondent. It is even otherwise the right of the Respondent to terminate services of its employees. The Respondent has not engaged in any unfair labour practice. He prayed to reject interim relief application.

8. Considering the facts and circumstances, arguments advanced by both the advocates, I am answering the points as under :

**REASONS**

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

9. It is undisputed fact that, Complainants have filed the main complaint under apprehension of termination and they are still in the employment of the Respondent. I have gone through record of the proceeding. The Respondent has filed documents alongwith list at Exh. C-10. On perusal of letter dtd.10/02/2025 at Sr.No.2 it reflect that, the District Sub-Registrar of Co-operative Societies, Solapur has addressed that letter to Sabhapati/Sachiv of the Respondent and thereby informed that by letter dtd.10/11/2024 the sanction was given to recruitment procedure, is cancelled. I have also gone through the documents filed by the Complainants alongwith list at Exh.U-8. The Complainants have filed xerox copies of their application in respect of the advertisement published by the Respondent and xerox copy of letter dtd.30/09/2024 address to District Sub-Registrar by the Sabhapati of Respondent for getting sanction to the resolution of appointment/Complainants.

10. It is undisputed fact that, all the Complaiannnts are appointed by following recruitment procedure and the DDR by letter dtd.10/02/2025 have cancelled the sanction given to recruitment procedure. The Respondent while filing say to interim relief application in para No.12 has also admitted that the recruitment procedure is followed while appointing the Complaiannnts and the DDR has cancelled sanction given to recruitment procedure and according to Respondent therefore, Complaiannnts cannot be kept in the employment. On perusal of documents, it has become crystale clear that the Respondents by specifically stating that it is not possible to keep the Complainants in service due to cancellation of sanction by the

DDR, all the Complainants are under apprehension of termination at any time by the Respondent.

11. The Complainants have prima-facie proved that the Respondent has indulged in act of unfair labour practices by intending to terminate the services of all the Complainants. I am of the opinion that, there is a need to decide the matter on merit by assessing the evidence of both the parties on merit. It is undisputed fact that the Complainants are still in the employment of the Respondent and in such a circumstances, if the present interim relief application is not allowed, then they will be thrown out of the employment.

12. Considering the facts and circumstances, documents filed on record and arguments advanced by both the advocates, I am of the opinion that, the Complainants are in the service of the Respondent and in such a circumstance it will cause a great prejudice to them if they will be thrown out of employment by the Respondent and that too without properly considering their case. The balance of convenience is in Complainants' favour. I am of the opinion that, the Respondent has prima-facie engaged in unfair labour practices by intending to terminate services of Complainants. If the interim relief is not granted, then Complainants will suffer hardship. An ample opportunity lie with both the parties to corroborate their case, but till then, there is need to grant some relief to the Complainants. The balance of convenience lies in favour of the Complainants. Accordingly I have recorded my findings on Point Nos. 1 to 3 "In the affirmative" and proceed to pass following order :

### **ORDER**

- (i) The interim relief application at Exh.U-2 is hereby partly allowed.

- (ii) The Respondent is hereby directed not to terminate the service of the Complainants without following due process of law.
- (iii) No order as to costs.

Date : 29/10/2025

( K. R. Adake )  
Judge,  
Labour Court, Solapur