

In the Court of Labour Court-1, Aurangabad

(Presided over by D.S.KHEDEKAR)

Complaint ULP NO 84/2017

Vinod Ingale

Applicant

Vs.

Varock Polymur Private Ltd

...Respondents

Order below Exh. C-21

(Delivered on 2⁵ 07-2025)

1. This application is filed by the respondents for hearing on original complaint.
2. The respondent has filed reply on the application and resisted application.
3. I have heard learned advocate for the respondent and complainant. The learned advocate for the respondent has filed case laws at Exh. C 23. The learned advocate for the complainant has filed written arguments at Exh. U 29 .
- 4) I have gone through the contentions of the both parties and case laws relied upon and submission advance in the light of decision relied upon.

5) The learned advocate for complainant submitted that the respondent had raised preliminary objection of Workman and, therefore preliminary objection of Workman as per section 2(s) Industrial Dispute Act, and an Employee as per Section 3 (4) MRTU AND PULP ACT 1971. It is further submitted that the issue of workman was decided on 10/10/2024 and thereafter the case was posed to the hearing on interim application since 21/10/2024 and thereafter the respondent has filed this application for postponement of hearing of interim application and posting the case on main complaint despite of the fact that interim application is pending for decision.

6) On the contrary the learned advocate for respondent has claimed for trial of original complaint instead of hearing interim application and relied upon the decision in the case of M/s Konkan Agro Marine Industries Pvt. Ltd., Babargaon, Tal.Gangapur, Dist.Aurangabad, Through its Factory Manager V/s Akhil Maharashtra Akyavardhak decided in Writ Petition NO.9431 OF 2016 on dt. 29/11/2016 wherein the Hon'ble High Court has held to decide compliant ULP No.. 09/2005 finally. I have gone through the decision wherein in para No.5, the Hon'ble High Court has observed that

5. An application for interim relief under section 30(2) of the 1971 Act is aimed at granting some relief to an employee during the pendency of the complaint. Such relief cannot be granted normally



in the matters of disciplinary proceedings, keeping in view the law laid down by the Hon'ble Apex Court in the matter of Workmen of Motipur Sugar Factory Private Ltd., Vs. The Motipur Sugar Factory Private Limited, AIR 1965 SC 1803. So also, it is settled law that interim relief cannot lead to a grant of final relief at an interim stage. Granting reinstatement in service during the pendency of the complaint would practically amount to grant of final relief.

7) In the present case the respondent has not assigned just and plausible reason for postponement of hearing of interim application and claiming to hear on the original complaint when the interim application was pending before adjudication of issue of Workman raised by the respondent. Merely on the basis of claim of respondent without just ground, it would not be just to postpone the hearing of interim application and proceed to hear original complaint. The complainant had pressed interim application U 11. There is observation of my learned predecessor while rejecting of the application Exh. U 11 that under these circumstances the application of interim relief is to be decided after deciding preliminary issue. The application for interim relief was pending for hearing and it was within the knowledge of the respondent that application for interim

relief is pending and therefore preliminary objection was raised and it was decided on merit by holding that the complainant is workman.

8) The learned advocate for respondent has relied upon aforementioned decision wherein in para No.5 it has been observed that an application for interim relief under section 30(2) of the 1971 Act is aimed at granting some relief to an employee during the pendency of the complaint. Such relief cannot be granted normally in the matters of disciplinary proceedings, keeping in view the law laid down by the Hon'ble Apex Court in the matter of Workmen of Motipur Sugar Factory Private Ltd., Vs. The Motipur Sugar Factory Private Limited, AIR 1965 SC 1803. So also, it is settled law that interim relief cannot lead to a grant of final relief at an interim stage. Granting reinstatement in service during the pendency of the complaint would practically amount to grant of final relief..

9) In the present case there is no case of dismissal on domestic inquiry and there is single complainant of this complainant who is seeking decision of the interim relief after decision of the issue of Workman raised by the respondent and only because the time is spend in decision on workman after recording evidence, it will not be a fault of the complainant and just ground for denying the claim of complainant for hearing on the interim application. There is no ground and reason why the hearing should be postponed and main application should be decided directly at the instance of the respondent. The respondent has failed to justify the ground for



hearing on main complaint. The Hon'ble High court has observed that an application for interim relief under section 30(2) of the 1971 Act is aimed at granting some relief to an employee during the pendency of the complaint. Such relief cannot be granted normally in the matters of disciplinary proceedings.

10) There is neither case of disciplinary proceeding by holding inquiry nor case of default of complainant for hearing of the application. If considered the procedural aspect and time spend in decision of the issue of workman raised by the respondent, there can not be just and practicable ground to deny hearing on the interim application on merit after decision of the issue of workman raised by the respondent. It would be impracticable before hearing on the application making comment on the aspect of right of complainant and denying hearing of application on merit. The claim of the complainant for seeking relief of interim relief can not be denied when the application is kept pending for hearing as per the chronology of the case and when the decision of the workman was found just and proper before hearing of the interim application and to avoid multiplicity of proceeding. The time spend in decision of issue of workman rased by the respondent can not take away the right of the complainant to get decision of the pending application on merit. In such circumstances if the interim application is not heard on merit it would amount to rejecting claim of the complainant and denial would be utter disregard of principle of

natural justice. For the aforesaid reason , I am of the view that the application is neither justifiable and nor practicable.

11) It would be material to state that the objection of the respondent was on the issue of workmen and the respondent has claimed to put the case on hearing on original complaint on the basis of decision relied upon without considering the pendency of the interim application since filling of the complaint and denying to hear pending application in such circumstances would amount to denying right of the complainant to get adjudicated the case on the interim application which is impracticable and against the sound principles of judicial decision. For the aforesaid reasons, I hold that application is liable to be rejected being devoid of merit. Consequently, I proceed to pass following order

ORDER

- 1) Application stands rejected
- 2) Parties shall take note thereof

(Typind and declred in open court)


(D.S. Khedekar)

Judge,

Labour Court-1, Aurangabad

Dtd. 25/07/2025