

BEFORE THE JUDGE LABOUR COURT, AMRAVATI



Cri ULP 2016/1/2025
CNR : MHLC270000112025

Pramod Gunwantrao Tayade **COMPLAINANT**

VERSUS

1. Smt. Sangeeta Mohapatra,
Chief Executive Officer,
Zilla Parishad Amravati

2. Bhimrao Dadarao Wankhade,
Child Development Project Officer,
Ekatmik Bal Vikas Sewa Yojna,
Panchayat Samiti, Achalpur

.... **RESPONDENT**

Learned Advocate for Complainant :- Shri. D. B. Gawande
Learned Advocate for Respondent :- Shri. Y. S. Deshmukh

ORDER PASSED BELOW EXH.U-1

(Dated 04/02/2026)

The present Complaint has been filed as per Section 48 (1) of The Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971 (Hereinafter shall be referred as MRTU and PULP Act).

2] I have recorded the verification of Complainant. Heard learned Advocate for Complainant. Perused record put up

before me. According to Complainant, the Respondents have passed an impugned order dated 15/10/2024, by which he was transferred from Panchayat Samiti, Achalpur to Panchayat Samiti, Chandur Bazar. The Complainant challenged said order before Hon'ble Industrial Court, Amravati. The said transferred order has also been challenged by Complainant before Hon'ble Industrial Court, Amravati vide Comp. ULP/129/2024. The Hon'ble Industrial Court granted stayed till filing written statement to the effect and operation of transferred order dated 15/10/2024. The Complainant after receiving of the order passed in Comp ULP/129/2024 dated 29/11/2024 approached to the office of Respondent with request to allow him to resume on duty. According to Complainant he attended work and signed the muster roll on 02.12.2024. However, since 04/12/2024, Respondents have been preventing Complainant from signing the muster roll and are obstructing him from performing his duties at Achalpur. Therefore, Complainant left with no choice than to file present complaint.

3] In response to the notice Respondent appeared and filed their reply/written statement (Exh.C-6). The Respondent denied the contents of the Complainant in toto. According to Respondent, the interim order dated 29/11/2024 was duly complied with, as evidenced by the fact that the Complainant was permitted to resume duty on 02/12/2024 and was allowed to sign the attendance register. Consequently, the said order stands fully executed, and the allegation of non-compliance is factually

incorrect. A fresh administrative order was passed by Respondent No. 1 on 26/05/2025. By virtue of this subsequent order, the earlier interim order dated 29/11/2024 has been rendered infructuous by operation of law. Since the previous order no longer holds the field in light of the new development, the question of its contempt does not arise.

4] The present complaint filed as per Section 48 (1) of MRTU and PULP Act. It is necessary to see the provision of Section 48 of MRTU and PULP Act, which runs as under:

48. CONTEMPTS OF INDUSTRIAL OR LABOUR COURTS. – (1) Any person who fails to comply with any order of the Court under clause (b) of sub-section (1) or sub-section (2) of section 30 of this Act shall, on conviction, be punished with imprisonment which may extend to three months or with fine which may extend to five thousand rupees.

5] Complainant relied on the Order passed in Comp ULP/129/2024 dated 29/11/2024. It is case of Complainant that he has served the copy of the application and the interim order to the Respondent. He attended work and signed the muster roll on 02.12.2024. However, since 04/12/2024, Respondents have been preventing him from signing the muster roll and are obstructing him from performing duties at Achalpur.

6] The Complainant places reliance upon the photocopy of the official Muster Roll, which serves as a material record of the

events. A perusal of the said document reveals that while the Complainant was permitted to sign from 02/12/2024 to 04/12/2024 (3 days), the Respondents have made a specific endorsement stating "Court Matter" adjacent to the Complainant's signatures. It is submitted that the act of making such endorsements and subsequently obstructing the Complainant from his duties constitutes a clear and willful disobedience of the interim order dated 29/11/2024 passed by the Hon'ble Industrial Court, Amravati, in Complaint (ULP) No. 129/2024. There is continuing cause of action. Hence, the order :-

ORDER

Issue summons to Respondents for the offence punishable under Section 48 (1) of Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971 R/o. 18/02/2026.

Date :- 04/02/2026
Amravati

(N. S. Nisal)
Judge,
Labour Court, Amravati