



BEFORE THE JUDGE, LABOUR COURT, BHANDARA

(Shri. F. K. Shaikh, Judge, Labour Court, Bhandara)

Complaint ULP No.03/2025
CNR No.: MHLC360000192025

Ganesh Shriram Choudhary
Aged about 30-years, Occ. Nil,
Nimgaon, Post. Palandur Chauras,
Tal. Lakhani, District- Bhandara.

..... Complainant.

-VERSUS-

1. Gram Panchayat, Nimgaon,
through its Sarpanch
Nimgaon, Post Palandur Chauras,
Tal. Lakhani, District- Bhandara.

2 Gram Panchayat, Nimgaon,
through its Secretary/Gramsewak
Nimgaon, Post Palandur Chauras,
Tal. Lakhani, District- Bhandara.

..... Respondents

Appearances : Adv. Shri.S. K. Ladhani - for the Complainant.
Adv. Shri. S. D. Shivankar - for Respondents.

ORDER BELOW EXHIBIT-2

(Passed on 24/07/2025)

1. This is an application under section 30(2) of The Maharashtra Recognition of Trade Union and Prevention of Unfair Labour Practices Act, 1971 ('M.R.T.U. & P.U.L.P. Act' in short) for grant of interim reliefs.

2. It is the case of complainant that he was working as a 'Pani Purwatha Aani Diwa Batti Karmachari' with respondents from 2013 continuously. The respondents have started paying Rs. 200/- per day to him as his wages. The amount of Rs. 79,200/- was due against the respondents to be paid to the complainant towards his wages for the period from May 2019 to April 2020. But, the respondents have paid Rs. 10,000/- only to him. The complainant was appointed as permanent employee of Gram Panchayat, Nimgaon on the monthly salary of Rs. 5,600/- and presently the complainant is getting monthly salary of Rs. 10,964/-.

3. It is submitted by the complainant that he had applied for leave from 10/05/2024 to 16/05/2024. After availing the leave, on 17/05/2024, he had gone to the office for joining his duty. But, respondents have not allowed the complainant to sign on the muster roll. Respondents have orally asked the complainant not to come for work anymore. The complainant requested the respondents to give him writing that he should not come for work in the office, but, they refused the same. He requested the respondents to pay the arrears of his wages for the period from May 2019 to April 2020. But, on the contrary respondents have lodged a false and frivolous report against the complainant with police station. As per resolution No. 9, the complainant came to be illegally terminated from service.

4. It is submitted by the complainant that he had issued notice dated 25/06/2024 through Advocate to the respondents

thereby demanding to join his duty as a permanent employee on the work and to release his monthly salary for the month of May 2025. He was also demanded for his arrears of salary amount of Rs. 69,200/- for the period from May 2019 to April 2020. However, the respondents failed to comply the same. His service was clean and unblemished. No complaint was filed against him. As the complainant was insisting for payment of the arrears of his unpaid salary, the respondents have illegally terminated him. The respondents are taking undue advantage of their posts of Sarpanch and Secretary of the Gram Panchayat and have illegally harassed the complainant time to time.

5. It is submitted by the complainant that the respondents have no right to terminate the services of complainant without following due procedure of law. The termination is done by following the unfair labour practice. The work of complainant was of continuous nature which is still available in the office of respondents. The respondents want to appoint new person in place of the complainant. Therefore, it is necessary to restrain the respondents from illegal termination of the services of the complainant. The complainant is having good case on merits and the success in his favour. With these submissions, complainant prayed for setting aside order of termination dated 17/05/2024 vide resolution No. 9 dated 20/06/2024 during the pendency of the main complaint.

6. The respondents appeared on service of notice and filed written statement at Exhibit-9. They denied all the allegations

made by the complainant and submitted that the action taken by the respondents is fair and according to natural justice. The termination is due to unsatisfactory work of the complainant. It is denied that the service record of complainant is clean and unblemished. It is also denied that the complainant has worked with the respondents promptly and sincerely. There were many complaints against the complainant made by the villagers. Therefore, respondents have issued show cause notice to the complainant. The complainant was afforded many chances to improve himself. But, there was no improvement by the complainant in behavior.

7. It is submitted by the respondents that it is not disputed the complainant issued notice to respondents. The complainant has not mentioned in his complaint, that the respondents have replied this notice through the advocate. The complainant was always under influence of liquor. The complainant was taking medical leave citing health reasons. But, he was not submitting medical fitness certificate even after demand of respondents. The complainant had a habit of drinking alcohol. There was no improvement in the complainant's behavior even after his dismissal. The complainant while drunk threatened to commit suicide by writing letters in the name of the respondents. Considering such serious nature behaviour the complainant is not eligible for employment. There is no prima facie case and balance of convenience lies in favour of complainant. The respondents prayed for rejection of this application.

8. From the rival contentions of both the parties, following

points arise for my consideration and I have recorded my findings on them for the reasons thereon.

Sr. No.	POINTS	FINDINGS
1.	Whether the complainant proves that prima facie case is in his favour ?	No
2.	Whether the complainant proves that balance of convenience lies in his favour ?	No
3.	Whether the complainant proves that he may suffer irreparable loss if application is rejected ?	No
4.	What order ?	Application is rejected

// REASONS //

As to Point No. 1 to 4 :

9. Heard both the sides. It was argued on behalf of the complainant that the complainant is the only earning member of his family and whole family is dependent on him. The complainant would suffer if the interim relief is not granted. On the contrary, it is argued on behalf of the respondents that the work of complainant has been terminated as he was not working properly. There were many complaints against the complainant made by the villagers. The secretary and Sarpanch had issued written notice to complainant about his illegal behaviour. Yet there was no change in his behavior, on the contrary he would argue with them. He also threatened to kill the secretary, so a complaint was filed against him at the Police Station Palandur. The termination is done by following due procedure.

10. After the argument of both the parties, the record is perused. The complainant filed on record the document with list Exhibit -U-3. The respondents filed documents with list Exhibit-C-8. Amongst the documents with list Exhibit 3, there is resolution No. 7 dated 27/04/2020 about appointment of complainant, one page of service book of the complainant with reference to his joining. Resolution No. 9 dated 20/06/2024 about termination of complainant, the notice dated 25/06/2024 sent by complainant through his advocate to respondents and postal receipt. With the list Exhibit-C-8 there are 20 documents. Amongst these documents there are some show cause notices issued by respondents for his illegal behavior as well as complaints made by villagers against the complainant.

11. From the documents, it prima facie appears that the complainant was taken on service for Pani Purwatha aani Diwa Batti Karmachari since the year 2013. Thereafter, as his work was unsatisfactory, he was given notices to do the work properly. He was first warned and then terminated on 17/05/2024. It is the contention of the complainant that the termination vide resolution 9 dated 20/06/2024 is done by adopting unfair labour practice, but it prima facie appears that he was terminated due to his unsatisfactory work. The relief claimed through this application and the relief claimed in main petition appears to be same.

12. Whether the complainant is terminated with ill intention by adopting unfair labour practice is the question to be decided on merit. At this stage, no prima facie case appears in favour

of the complainant. It also appears that no balance of convenience is in favour of the complainant and no irreparable loss would be caused to him if the interim relief is not granted. Hence, **point No. 1 to 3 are answered in the negative.** I pass the following order regarding **point No. 4.**

ORDER

1.	The application is rejected
2.	No order as to costs.

Place : Bhandara
Date : 24/07/2025

sd/-
(F. K. Shaikh)
Judge,
Labour Court, Bhandara