

IN THE COURT OF JUDGE, LABOUR CORT, BHANDARA.
(Presided over by : F.K. Shaikh)

COMPLAINT (ULP) No. 22/2025
CNR NO. MHLC360002022025

Rajnish Madanlal Gajbhiye
Age 41 years, Occ. peon
R/o Pachagaon, Post- Neri,
Tal. Mohadi, District- Bhandara.

..... **Complainant.**

Vs.

1. Secretary,
Grampanchayat, Pachagaon,
Tal- Mohadi, District Bhandara.

2. The Sarpanch
Grampanchayat, Pachagaon,
Tal- Mohadi, District Bhandara.

..... **Respondents.**

Appearances Adv. Shri.S. R. Dongare for the complainant.
Adv. Shri.R.V. Sontakke for the respondents.

**Application under section 30(2) of The Maharashtra Recognition of
Trade Union and Prevention of Unfair Labour Practices Act, 1971**

ORDER ON EXHIBIT U-2
(Passed on 02/02/2026)

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 appointed by the respondents as a peon from 01/02/2024. The service record of the complainant is clean and unblemished. The respondents have given advertisement on 01/10/2025 for filling the post of peon. There is apprehension in the mind of complainant that his service is likely to be terminated. The complainant is ready to do work honestly and promptly. Due to the unlawful and illegal order passed by the respondents, there is possibility of deprivation of the right of complainant.

3. It is the case of complainant that the respondents published advertisement dated 01/10/2025 for the engagement of new person. This court has jurisdiction to try this complaint. In view of this the complainant prayed that the respondents be directed to not carry out illegal activities and unlawful action against the complainant. The complainant also prayed that the respondents be directed to continue the services of the complainant till the disposal of the complaint.

4. The respondent Nos. 1 and 2 have filed written statement below Exhibit C-4 and denied most of the averments made in the complaint. It is submitted by the respondents that they have not passed unlawful and illegal order. The complainant has completed his probation period for two years on the post of peon. It is not disputed that the complainant is ready to work honestly and ready to obey any order passed by the Grampanchayat. But, the complainant will not suffer heavy loss. So the prima facie case and balance of convenience goes to against the complainant. Hence,

the respondents have prayed for order on merit.

5. 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 ?	In the affirmative
2.	Whether the complainant proves that balance of convenience lies in his favour ?	In the affirmative
3.	Whether the complainant proves that he may suffer irreparable loss if application is rejected ?	In the affirmative
4.	What order ?	The application is allowed.

// REASONS //

6. Heard learned advocate Shri. S. R. Dongare for the complainant and learned advocate Shri. R. V. Sontakke behalf of the respondents.

7. In support of his claim, the complainant has filed document vide list Exhibit U-3 namely copy of attendance registers from February-2024 to September-2025 and advertisement dated 01/10/2025. The respondents have filed documents vide list Exhibit C-6 namely copy of attendance registers from February-2024 to September-2025 and advertisement for recruitment of the post of peon dated 01/10/2025.

As to Point No. 1 to 4 :

8. I have discussed point no. 1 to 3 at once, as these points are interlinked with each other. On perusal of the documents produced by the complainant, it prima facie appears that the complainant was appointed as a peon on 01/02/2024.

9. The complainant has contended that he is working as a Peon since 01/02/2024 and that his service record is clean and unblemished. The documents placed on record, particularly the attendance registers for the period from February-2024 to September-2025, prima facie established that the complainant has continuously worked with the respondents. It is admitted position that the respondents have issued an advertisement dated 01/10/2025 for filling up the post of Peon. Issuance of such advertisement during subsistence of the complainant's service gives rise to a reasonable apprehension in the mind of the complainant that his services may be terminated or he may be replaced by a new person. The respondents have not passed any illegal or unlawful order against the complainant. However, at this stage, the Court is required to consider only whether the complainant has made out a prima facie case.

10. The documentary evidence produced by both the parties clearly shows that the complainant is in service and that recruitment process has been initiated for the same post. If interim relief is not granted and the respondents are permitted to proceed with the recruitment, the complainant is likely to suffer irreparable loss. On the other hand, if interim relief is granted, no serious

prejudice would be caused to the respondents. Therefore, the balance of convenience lies in favour of the complainant. In view of the above discussion, this Court is of the opinion that the complainant has successfully established a prima facie case and balance of convenience in his favour. Hence, he is entitled to interim protection under Section 30(2) of the M.R.T.U. & P.U.L.P Act, 1971.

11. On considering the available documents and submissions the prima facie case appears in favour of the complainant. It also appears that the balance of convenience is in favour of the complainant and he would suffer irreparable loss if the interim reliefs are not granted. Considering the above aspects, **point No. 1 to 3 are answered in the affirmative.** I pass the following order regarding **point No. 4.**

ORDER

- 1 The Application Exhibit U-2 is hereby allowed.
2. The respondents are hereby restrained from terminating the services of the complainant or appointing any other person on the post of Peon, till the final disposal of the complaint.
3. The respondents are directed to continue the complainant in service on the same terms and conditions as existing prior to filing of the complaint.
4. No order as to costs.

sd/-

(F. K. Shaikh)

Judge,

Labour Court, Bhandara.

BHANDARA.

DATE : 02/02/2026