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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4060 OF 2017

The Poona School And Home For the Blind ...Petitioner
vs
Smt. Shivganga Pramod Umbre ...Respondent

**WITH
CIVIL APPLICATION NO.685 OF 2018
IN
WRIT PETITION NO.4060 OF 2017**

Smt. Shivganga Pramod Umbre ...Applicant

In the matter of

The Poona School And Home For the Blind ...Petitioner
vs
Smt. Shivganga Pramod Umbre ...Respondent

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Mr. Kiran S. Bapat, a/w. Mr. Chandansingh Shekhawat and Ms. Shradha Achliya, i/b. Juris Corp. for the Petitioner.

Mr. Vikas H. Shekdar, for the Respondent/Applicant in CAW/685/2018.

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CORAM : S.C. GUPTE, J.

DATED: JULY 26, 2018

P.C. :

. This petition challenges an order passed by the Industrial Court at Pune on a complaint of unfair labour practice. The complaint is filed by the Respondent herein under Item Nos. 5, 6, 9 and 10 of Schedule IV of MRTU & PULP Act, challenging failure of the Petitioner herein to implement an award in her favour for reinstatement in the

original post with continuity of service and full back wages. The award admittedly has become final and the Petitioner claims to be ready even to reinstate the Respondent in her original post. The Petitioner submits that it is aggrieved by the order of the Industrial Court to the extent that it directs reinstatement of the Respondent in a permanent post. It is submitted that her original post was temporary and what the award directed was to reinstate her in her original post. The matter does require consideration. Hence, Rule. The Respondent waives service.

2. As for the interim relief, learned Counsel for the Petitioner submits that his client is prepared to take the Respondent back in service in her original post even today. Learned Counsel also fairly submits that whatever highest salary is paid as of date to temporary peons appointed by the Petitioner shall be paid to the Respondent. Considering, however, that the order challenged requires the Petitioner to reinstate the Respondent in a permanent post and also to pay all back wages in terms of the award passed earlier by the Court on reference, any interim relief granted in favour of the Petitioner must also be matched by an adequate interim protection in favour of the Respondent. Considering the fact that similarly placed permanent peons engaged by the Petitioner are getting wages in the region of over Rs.17,000/-, this Court is of the view that in the interest of justice, as a condition of stay, the Respondent should be reinstated in the temporary post with wages of Rs.9000/- per month.

3. Accordingly, it is ordered that there will be an interim stay of the impugned order of the Industrial Court on condition referred to above.

4. At the request of the Respondent, the hearing of the petition is expedited. The Respondent will be at liberty to mention the matter in the first week of October 2018 to have a date of hearing fixed. Civil Application No.685 of 2018 is disposed of.

5. Considering the present order, the contempt proceedings filed by the Respondent herein for non-compliance with the impugned order of the Industrial Court shall not be proceeded with.

(S.C. GUPTE, J.)