

3 Learned Counsel appearing for the Petitioner submitted that the Learned Presiding Officer, Labour Court, Pune on a reference made, by his order dated 15 April 2010, allowed the reference and the Petitioner was directed to reinstate the Respondent on her original post with continuity of service and with full back wages w.e.f. 30 April 2000. The submission of the learned Counsel for the Petitioner is that though the Petitioner was ready to reinstate the Respondent, the Respondent herself failed to report the Petitioner. The Respondent was insisting for her reinstatement with back wages as a post being a sanctioned one. The submission of the learned Counsel for the Petitioner is that there was no such rider in the order on a reference dated 15 April 2000. Learned Counsel, then submitted that the Respondent herself had admitted in that her cross examination that she was not working on any sanctioned post and the Petitioner had given a letter asking her to report for duties. Learned Counsel, then submitted that the order of the Learned Member of the Industrial Court, Pune, dated 30 November 2015 is unsustainable. On perusal of the order impugned in the petition, it reveals that there was sufficient work available with the Petitioner, as such, four persons were appointed by the Petitioner on a regular pay-scale. This factum is reflected from the testimony of the Secretary of the Petitioner. The Learned Member found that the Respondent is treated as a temporary employee for a long period of 18 years.

4 Learned Counsel appearing for the Petitioner pray for interim order. He submits that as the criminal proceeding is initiated against the Petitioner and if no interim order is passed and if the criminal proceeding proceeds further, it will cause a serious prejudice to the Petitioner.

Considering the above referred fact, the ad-interim stay is granted to the order impugned in the Petition dated 30 November 2015, subject to the Petitioner depositing Rs.2,00,000/- (Rs. Two Lac only) in this Court within two weeks from today.

5 Issue Notice to the Respondent, returnable after **six weeks**. The Respondent is permitted to withdraw 50% of the amount deposited in this Court, subject to undertaking that if the Petitioner succeeds in the petition, the amount withdrawn by the Respondent, would be repaid to the Petitioner.

6 It is made clear that the issue of delay in approaching this Court by the Petitioner in a challenge to the order impugned is also kept open for consideration.

7 Stand over to **26 September 2017**.

(PRASANNA B. VARALE, J.)