

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 1808 OF 2010.

Jivan Pyarelal Shende

-: VERSUS :-

The Chief Officer, Municipal Council and another.

Office Notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's orders

CORAM : B.P. DHARMADHIKARI, J.

DATED : JULY 16, 2010.

Heard Shri M.M. Agnihotri, learned counsel for petitioner, Shri Abhay Sambre, learned counsel for respondent no.1 and Shri A.J. Salway, learned Counsel for respondent no.2.

This Court has on 16.06.2010 directed the employer to produce copy of resolution passed by the Municipal Council. On 22.01.2010 accordingly, Municipal Council has produced the same on record. Its perusal reveals that the reversion of petitioner to his substantive post, is prima facie stigmatic. No departmental inquiry was conducted in the matter. This Court has already found that the reversion was ordered three months after the period for which the promotion was ordered.

The learned counsel for Municipal Council has pointed out that after reversion of petitioner, respondent no.2 is already promoted and is working as Mokadam.

Shri Salway, learned counsel for respondent no.2 states that as there were complaints about working of petitioner, in the interest of public, respondent no.2 has been appointed on that post and petitioner has been removed. His further contention is, work of petitioner was of supervisory in nature and hence question whether the Industrial Court has got jurisdiction to take cognizance of the matter, arises for determination.

In this situation, I find that the interest of justice can be met with by directing the Industrial Court to decide the ULP Complaint No.40/2010 at the earlier. The Industrial Court shall attempt to decide the complaint as early as possible and in any case by 30.10.2010.

The contentions being raised by the petitioner are kept open and promotion of respondent no.2 shall be no answer to the entitlement of petitioner. Writ Petition is accordingly disposed of. No costs.

JUDGE

Rgd.