

IN THE INDUSTRIAL COURT MAHARASHTRA AT NASHIK

(BEFORE SHRI. S. R. BHADGALE, MEMBER)

COMPLAINT (ULP) NO. 1 OF 2018

(CNR No. MHIC15-000001-2018)

Sanju Madhav Benade, } ... **Complainant**

...V/s...

Block Development Officer, }
Panchayat Samiti, Igatpuri } ... **Respondents**

-: ORDER BELOW EXH.U-2 :-

(Delivered on 11th April, 2018)

- 1) The present application moved by the Complainant Sanju Madhav Benade against the Respondent Block Development Officer, Panchayat Samiti, Igatpuri U/s. 30 (2) of the MRTU & PULP Act, 1971 praying that, the Respondent should not initiate the criminal action against the Complainant as per the letter dated 12.12.2017. Accordingly, notice issued to the Respondent. Respondent appeared through Advocate Parekh. But, till today the Respondent have not filed any say inspite of sufficient opportunity given to the Respondent. Therefore, Advocate Joshi argued the interim application on 05.04.2018 and matter is kept on today for order.
- 2) I heard Advocate Joshi for the Complainant. The Complainant is a Gramsevak and Respondent is a Block

Development Officer. As there is a complaint against the Complainant from the local areas. Accordingly, enquiry was conducted. On the basis of enquiry, Respondent directed the Extension Officer i.e. Vistar Adhikari to register the offence against the Complainant to the Police Station as well as against the Sarpanch, Village Development Officer and Gramsevak related to misappropriation of government fund. As there is no any audit related to said fund, without any material the BDO directed the Extension officer for registration of offence, which is contrary to the provisions of law and it is nothing but the harassment to the Complainant, which is unfair labour practice on the part of the Respondent. Hence, he pray that, injunction may be granted against the letter dated 12.12.2017 issued by the Respondent. Hence, he pray that, application be allowed.

- 3) As Respondent have not filed the say as well as not argued the interim application. But, while considering the record, it is justifiable to pass an interim order till filing the say and argument.
- 4) While considering the case of the Complainant, the Complainant is praying injunction against the lodging of the criminal case. To this point law is very much clear, the injunction cannot be granted to stop the investigation in criminal case. Therefore, there is no prima-facie case made out by the Complainant for to grant interim injunction. Hence, in the interest of justice, I pass the following order.

Order

1. The Interim Application Exh.U-2 is hereby rejected.
2. Both the parties to bear their own cost.
3. Accordingly application is disposed of.

Place :- Nashik

Date :- 11.04.2018

(S. R. BHADGALE),
Member,
Industrial Court, Nashik