

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 4611 OF 1994

Mohan Shamrao Kashirsagar,
Age about 33 years, Occ. Service
R/o Takli, Tq. Kaij, Dist. Beed.

..Petitioner

Versus

1. The State of Maharashtra

2. The Executive Engineer,
Minor Irrigation, Zilla Parishad
Division, Beed.

3. The Dy. Engineer,
Minor Irrigation, Zilla Parishad
Sib-Division Kaij, Beed.

..Respondents

...
Advocate for Petitioner : Shri A.S.Deshmukh
AGP for Respondent 1: Shri D.R.Korde

...
CORAM : RAVINDRA V. GHUGE, J.
Dated: December 03, 2015
...

ORAL JUDGMENT :-

1. This petition was admitted on 21.1.1994. No interim relief was granted to the petitioner.

2. On 16.11.2015, none appeared for the petitioner and respondent Nos.2 and 3. Today, Shri Deshmukh, learned Advocate appeared on behalf of the petitioner and has assailed the impugned order. The learned AGP appeared on behalf of respondent No.1.

3. The petitioner is aggrieved by the judgment and order dated 25.10.1994, delivered by the Industrial Court, Aurangabad, by which his Complaint (ULP) No.476 of 1990 was dismissed.

4. The petitioner had claimed continuance on daily wages by respondent Nos.2 and 3. He claimed to have joined duties as a Mustering Assistant on 1.12.1986 and worked till July 1987 at the Tarmali Percolation Tank Project at villages Shetphal and Dongaon. From August 1987 to December 1988 he worked in the office of the Deputy Engineering, Minor Irrigation. It was then claimed that he worked for two months in January and February 1989 at Dongaon. He, then claimed to have worked from March to June 1989 at Jadhav-Jawala and from July 1989 he worked in the office of respondent No.3 herein.

5. He claimed that juniors were made permanent and hence the respondents are guilty of items 5,6 and 9 of Schedule IV of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971 ("the said Act").

6. The Respondents had filed their written statement contending that the petitioner was working during December 1986 to December 1987. Thereafter, he worked in April 1988 to January 1989. He was working on the Employment Guarantee Scheme ("EGS") and was dis-engaged on 1.2.1989. The complaint was filed on 27.9.1990 after a passage of 19

months and that too before the Industrial Court without challenging his termination.

7. The petitioner led oral evidence before the Industrial Court, wherein he specifically stated that he worked as a temporary employee on EGS. It was averred that he was in employment from 1.10.1990. He averred in his examination-in-chief that permanent work is not available in the sub-division and he does miscellaneous work.

8. I find that the Industrial Court has considered the contentions of the petitioner and the evidence on record. It cannot be ignored that the petitioner admitted that he was working on EGS. It is trite law that EGS was aimed at providing some work to the unemployed persons, in order to avoid starvation. It is also trite law that a person working on EGS cannot lodge a claim for regularisation and permanency since there is neither any post created under EGS and nor is EGS a permanent scheme.

9. The Industrial Court has rightly taken cognizance of the above aspects and has dismissed the complaint. Despite the strenuous submissions of Shri Deshmukh, I am unable to accept his contention that he can claim regularisation on EGS.

10. I, therefore, do not find any error committed by the Industrial Court in delivering the impugned judgment. This petition is devoid of merits and

is, therefore, dismissed.

11. Rule is discharged.

(RAVINDRA V. GHUGE, J.)

...

akl/d