

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**LETTERS PATENT APPEAL STAMP NO. 4823 OF 2013
IN
WRIT PETITION NO. 5423 OF 2012**

Amit S/o Gangadhar Bhongale .. Appellant

Versus

The Chief Officer, Shirdi Nagar
Panchayat .. Respondent

Shri R. V. Gore, Advocate for the Appellant.

**CORAM : S. V. GANGAPURWALA AND
A. I. S. CHEEMA, JJ.
DATE : 20TH MARCH, 2015.**

PER COURT :

. Mr. Gore, the learned counsel for the appellant submits that, the appellant was appointed on 01.10.1992 as daily rated employee by the respondent. At the relevant time it was the policy of the Government to make such employees permanent. The learned counsel submits that, this aspect has not been considered by the Industrial Court. The complaint was filed on 12.12.2003. The same was rejected without discussing the policy of the Government in that regard. Even the learned Single Judge failed to consider said aspect. The persons who have made applications, have been made permanent in the year 2006. All

these aspects have not been considered by the learned Single Judge.

2. We have gone through the judgment of the learned Single Judge. It is not disputed that, the appellant was appointed as daily rated worker for a period of three months that is from 01.10.1992 to 01.01.1993. It was only in the year 2003 that the appellant approached the Industrial Court by filing the complaint under the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practice Act and making grievance of unfair labour practice. The learned Single Judge has observed that, the appointment of the complainant was covered by Sec. 2(oo)(bb) of the Industrial Disputes Act. As per the appellant, if there was policy of the Government, then the appellant could have approached this Court under Article 226 of the Constitution of India. However, the appellant had filed complaint ULP before the Industrial Court after ten years. We do not find any error committed by the Industrial Court in rejecting the complaint as it was filed more than ten years. The learned Single Judge has considered said aspects. In the light of that, the letters patent appeal is dismissed. No costs.

[A. I. S. CHEEMA, J.]

[S. V. GANGAPURWALA, J.]