

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.
APPELLATE SIDE JURISDICTION

WRIT PETITION NO. 4010 OF 2014

BABARAO SHIVRAM BANSODE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioners : Mr. Shelke Shivaji T.
AGP for Respondents: Mrs.S.A.Dhumal.
...

CORAM : **S. V. GANGAPURWALA and**
N. W. SAMBRE, JJ.
DATE : 29th January, 2015.

P.C.:

. The Petitioner seeks regularization w.e.f. 1st November, 1994, on the basis of the judgment delivered by the Industrial Court dated 6th June, 1995 in Complaint (ULP) No.936 of 1994, which is upheld by this Court. The Petitioner also seeks the benefit of the Government Resolution dated 31st January, 1996. According to the learned counsel for the Petitioner, the name of the Petitioner is at serial No.1 in the list prepared by the Department itself, which says that the Petitioner has worked for more than 240 days in each year from 1989-90 till 1993-94. According to the learned counsel, there is no reason to deny the benefit to the Petitioner from 1st November, 1994. However, the Respondents have given the benefit of regularization only from the year 2012.

2 The learned counsel for the Respondent – Department submits that the Petitioners were not entitled to the benefit of regularization as per the Government Resolution dated 31st January, 1996 as they become eligible in the year 2012. They have been granted benefit of regularization from 2012. The Respondent – Department has filed Special Leave Petition

against the judgment of this Court upholding the judgment of the Industrial Court granting regularization and the said Special Leave Petition is still pending.

3 We have considered the submissions canvassed by the learned counsel for respective parties. It is not disputed that the Apex Court has not passed any interim orders. The judgment of the Industrial Court is of the year 1995. Even as per the judgment of the Industrial Court, the Petitioners are required to be given permanency. The chart which is produced at page No.41, shows that the Petitioners have worked for more than 240 days in each year from 1st November, 1989 to 31st October, 1994. The Respondents were duty bound to implement the order of this Court.

4 In light of the above, we pass the following order:

- I. The Respondents shall give the benefit of regularization to the Petitioners as per the judgment of the Industrial Court dated 6th June, 1995, and upheld by this Court vide judgment and order dated 11th December, 2013, in Writ Petition No.273 of 2013.
- II. The same shall be done expeditiously, preferably within a period of four months.
- III. The Petitioners will also be entitled for all the consequential benefits.
- IV. We have not considered the merits of the contentions of the learned respective counsel on the basis of the Government policy vide Government Resolution dated 31st January, 1996.

- V. In case, the judgment is delivered by the Apex Court in the said Special Leave Petition filed by the Respondent – Department, depending upon the said judgment, the parties can agitate their rights including the rights under the Government Resolution dated 31st January, 1996.
- VI. Accordingly, the writ petition is disposed of. No costs.

[N. W. SAMBRE, J.]

[S. V. GANGAPURWALA, J.]

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