

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.5838 OF 2015

Maharashtra State Road Transport Corporation,
Dhule Division,
Through its Divisional Controller,
VERSUS

PETITIONER

Mohammad Nabi Shekh,
Age-53 years, Occu-Service,
R/o Ghar Mohalla, Shindkheda,
Taluka Shindkheda, Dist.Dhule

RESPONDENT

Mr.D.S.Bagul, Advocate for the petitioner.
Mr.S.P.Tiwari, Advocate for the respondent.

(CORAM : RAVINDRA V. GHUGE, J.)

DATE : 29/10/2015

ORAL JUDGMENT :

1. Rule. Rule made returnable forthwith and heard finally by the consent of the parties.

2. While issuing notice on 12/06/2015, this Court had observed as under :-

"1 The contention of Mr.Bagul, learned Advocate for the Petitioner is that, though the Respondent has been serving as a Sweeper on temporary basis from 1982 till this date as and when the work was available, he has been granted permanency by the Industrial Court vide the judgment dated 08.05.2014 by

which Complaint (ULP) No.90/2012 filed by Respondent was allowed.

2 It is further submitted that the conclusion of the Industrial Court is based on the circular dated 06.02.2009 at Exhibit U/9 indicating that the employees who have worked for 180 days in the continuous and uninterrupted service of the Petitioner, would be entitled for benefits of permanency in the light of the judgment of the Apex Court in the matter of MSRTC v/s Premlal reported in **2007(9) SCC 141** (Civil Appeal No.1046/2007 decided on 27.02.2007).

3 According to Mr.Bagul, the circular as well as the ratio laid down by the Apex Court has been misconstrued and/or misunderstood by the Industrial Court.

4 Issue notice to the Respondent returnable on 14.07.2015.

5 Till the next date of hearing in the matter, the Respondent shall not initiate steps inclusive of coercive steps for seeking implementation and execution of the directions issued by the Industrial court in the impugned judgment.

6 Nevertheless, since the Respondent is in employment, the Petitioner shall not alter his service conditions merely on account of he being a temporary employee, until further orders.”

3. I have heard the learned Advocates for the respective sides for quite some time.

4. Mr.Tiwari, learned Advocate submits that an identical case, involving this very petitioner, has been decided by this Court vide judgment dated 22/07/2015, Writ Petition No.1610/2014 in the matter of MSRTC Vs.Vilas Tathe and another.

5. There is no dispute that the issue involved in this petition is identical to the issue involved in the MSRTC Vs. Vilas Tathe case (supra).

6. In the light of the above, no such circumstances have been pointed out, which would convince this Court to take a different view than what has been taken in the above referred judgment dated 22/07/2015.

7. In the light of the above, this petition is dismissed. Rule is discharged.

(RAVINDRA V. GHUGE, J.)