

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

LETTERS PATENT APPEAL ST. NO. 24304 OF 2011

Dattatraya s/o Budha Chavan

.. APPELLANT

VERSUS

The Maharashtra State Road
Transport Corporation

.. RESPONDENT

Mr. C.V. Thombre, advocate for appellant.

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**CORAM : R.M. BORDE &
P.R. BORA, JJ.**

DATE : 26th FEBRUARY, 2015.

PER COURT :

1. Appellant is challenging order dated 11.12.1998 passed by the Presiding Officer, Labour Court, Dhule as well as order passed by the learned Single Judge of this Court.

2. Appellant contended that he continued in employment with the respondent – Corporation for a period of from 1979 to 1992. He has completed 240 days in a calendar year and his services have been dispensed with without following the procedure prescribed under section 25(f) of the Industrial Dispute Act, 1947. The contentions raised by appellant have been controverted by respondent contending that appellant was allotted work as and when the same was available. Since the appellant has never completed service tenure of 240 days in a calendar year, he is not entitled to claim regularisation or continuity in service.

3. Reference court after receiving evidence lead by the parties, recorded finding of fact holding that the appellant was employed as casual labourer and that he has never completed 240 days service in a calender year. Reference Court has also recorded finding that his services have not be terminated in violation of provisions of law or that he is entitled to be reinstated with backwages as claimed by him. The well reasoned order passed by Reference Court based on appreciation of evidence does not call for interference in the appellate jurisdiction under letters patent. Appeal is devoid of substance hence stands dismissed.

4. Pending civil application, if any, does not survive and stands disposed of.

(P. R. BORA)
JUDGE

(R. M. BORDE)
JUDGE

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