

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.8723 OF 2015
(The Parbhani District Central Co-op.
Bank Ltd., Vs. Vitthal S/o Eknath Bhosale)

Mr.S.R.Yadav, Advocate for the petitioner.

(CORAM : RAVINDRA V. GHUGE, J.)
DATE : 16/11/2015

PER COURT :

1. The petitioner is aggrieved by the impugned judgment dated 29/10/2012 by which Complaint (ULP) No.121/2010 has been allowed and the petitioner is directed to extend benefits of permanency to the complainant w.e.f. 29/10/2012.

2. Mr.Yadav, learned Advocate for the petitioner has strenuously criticized the impugned judgment. He submits that the petitioner is a Co-operative Bank. Claim for permanency should not have been entertained by the Industrial Court under the MRTU and PULP Act, 1971. The respondent could have raised a dispute under the Maharashtra State Co-operative Societies Act.

3. He further submits that the respondent was appointed on daily wages depending upon the availability of work. He could not have raised a claim for minimum wages under the Minimum Wages Act. Merely

because the respondent worked for 240 days and was on daily wages, the Industrial Court could not have concluded that the petitioner had the desire of depriving the respondent of the benefits of permanency and that he was intentionally continued as a daily wager.

4. It is further submitted that the Industrial Court has only relied upon the length of 12 years service put in by the respondent and has granted benefits of permanency. He, therefore, prays for setting aside of the impugned judgment.

5. This Court, in identical set of facts has already taken a view in WP No.4077/2013 filed by the present petitioner (PDCC Bank Vs. Vijaya Game). Considering an identical challenge, this Court has upheld the judgment of the Industrial Court dated 29/10/2010 and has dismissed the petition filed by the petitioner herein.

6. I do not find that the petitioner has put forth new grounds which would convince this Court to take a different view.

7. As such, considering the decision of this Court dated 10/09/2015 in WP No.4077/2013, this petition is dismissed.

(RAVINDRA V. GHUGE, J.)