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

WRIT PETITION NO. 4492 OF 2014

DADAJI TANAJI SONAWANE
VERSUS
MAHATMA PHULE KRUSHI VIDYAPEETH, RAHURI

...

Advocate for Petitioner : Shri Barde Parag Vijay.

Advocate for Respondents : Shri Shahane Pradeep L..

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 27th November, 2015

Per Court:

1 I have heard the learned Advocates for the Petitioner as well as the Respondent/ Agricultural University.

2 The Petitioner (Dadaji Tanaji Sonawane) was working as a Cook. In the mass retrenchment of 2001, he was retrenched. By an advertisement dated 21.07.2004, the Respondent/ University declared that the retrenched daily wagers working as Cooks would be reinstated on four posts of Cooks as were available. The advertisement dated 21.07.2004 led to the appointment of the Petitioner.

3 The Petitioner herein was orally terminated which resulted in

raising of an industrial dispute and reference to the Labour Court registered as Reference (IDA) No.31/2009. By the award dated 06.08.2013, the reference was answered in the negative.

4 In two identical cases in the matters of *Arun Rambhau Pathak v/s Mahatma Phule Krushi Vidyapeeth*, **Writ Petition No.4344/2014** and *Sarjirao Mahadeo Bhalerao v/s Mahatma Phule Krushi Vidyapeeth*, **Writ Petition No.4565/2014**, this Court, vide judgment dated 12.10.2015, has dealt with an identical situation as like the Petitioner herein.

5 Considering the above, I do not find that a different view is required to be taken other than the view as has been taken by this Court in its judgment dated 12.10.2015 in the matters of Arun Phatak and Sarjirao Bhalerao (supra).

6 As such, since this Petitioner is identically situated, I am issuing the similar directions as have been issued in the above referred two Writ Petitions.

7 In the light of the above, I deem it proper to remit the matter back to the Labour Court so as to enable the parties to lead evidence on the aspect of advertisement, interview call letters and whether, the

Respondent/ University could be permitted to appoint the Petitioners for 11 months despite the advertisement not indicating such a manner of appointment.

8 As such, this petition is partly allowed. The impugned judgment and award dated 06.08.2013 is quashed and set aside. Reference (IDA) No.31/2009 is remitted to the Labour Court to enable it to frame issues in the light of the above aspects and permit the litigating sides to lead additional oral and documentary evidence.

9 The learned Advocates for the respective sides are agreeable to appear before the Labour Court on 11.12.2015. Formal notices need not be issued by the Labour Court.

10 Both the litigating sides fairly state that they would extend cooperation to the Labour Court for the expeditious disposal of the reference case. In view of the same, the Labour Court shall endeavour to decide the reference case as expeditiously as possible and preferably on or before 30.04.2016.

11 Needless to state, the contentions of both sides in relation to the manner of recruitment are kept open. The Labour Court shall decide

the matter on its own merits.

(RAVINDRA V. GHUGE, J.)