

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.9568 OF 2014

Malegaon Municipal Corporation Petitioner

Vs.

Asif Iqbal Abdul Karim Respondent

WITH

WRIT PETITION NO.9569 OF 2014

Malegaon Municipal Corporation Petitioner

Vs.

Mohammed Quis A.B. Rashid Respondent

WITH

WRIT PETITION NO.9570 OF 2014

Malegaon Municipal Corporation Petitioner

Vs.

Shahid Akhtar Khurshid Ahmad Respondent

WITH
WRIT PETITION NO.9567 OF 2014

Malegaon Municipal Corporation Petitioner

Vs.

Ansari Javid Ahmad Abdul Razzaq Respondent

Mr. S.S. Patwardhan, Advocate for the petitioner.

Mr. Meelan Topkar alongwith Ms. Pavitra Manesh, Advocate for the Respondent.

Coram : Smt. R.P. SondurBaldota, J.

Date : 14th July, 2015

P.C.

1 This is a common order on the above petitions wherein concurrent findings of the Labour Court and the revisional court are sought to be challenged. The respondents in the four petitions joined the services of the petitioner as multi-purpose workers from 13th March, 1986. Their services came to be terminated on 26th September, 2000 after which they filed complaints alleging unfair labour practices under Section 28 read with Items 1(a),(b),(d) and (f) of Schedule IV of MRTU & PULP Act. The petitioner filed written statement claiming that the respondents have been appointed under Central Government's Urban Revamping Scheme, which was adopted by the Maharashtra

Government under its resolution dtd.4th September, 1985. The scheme allegedly came to an end on 15th March, 1986, but this fact was not known to the concerned officer and consequently, the respondents continued in service until their termination in the year 2000. The written statement of the petitioner neither disclosed the name of the concerned officer nor his designation nor the date of his knowledge nor the manner, in which he received knowledge of the closure of the scheme. The evidence in the complaint was led only by the respondents. The petitioner did not lead any evidence.

2 On appreciation of the evidence, the Labour Court found that the letters of appointment in respect of the respondents do not refer to any Central Government scheme. The letters also does not indicate that the respondents were appointed under the Central Government scheme or for a fixed duration. On the contrary, the letters of appointment clearly adverted to the sanction of the posts by the State Government and appointment of the respondents as multi-purpose workers on the pay-scale mentioned along with the other allowances. The letters of appointment and the copy of the Resolution of the Standing Committee of the petitioner for the purpose of appointment clearly disclosed that the posts at which the respondents were appointed were clear and vacant. These observations of the Labour Court are borne out by the letters of appointment. Therefore, there can be no infirmity with the order of reinstatement.

3 Mr. Patwardhan, the learned advocate for the petitioner then submits that the order of back-wages cannot be sustained as there is no evidence produced by the respondents about the employment after their termination from service. Perusal of the complaint shows that there are a specific averments made therein, that after termination from service, the respondents were unable to secure any employment despite efforts made by them. In their evidence, the respondents have deposed about the failure to secure employment. Their cross-examination by the petitioner on this aspect is limited to giving a suggestion that the statements made are not correct. Thus, there is sufficient material on record for grant of full back-wags also. The revision court has confirmed the findings of the trial court. There is no infirmity whatsoever in the orders of the courts below. The petitions are therefore dismissed.

(Smt. R.P. SondurBaldota, J.)