

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

WRIT PETITION NO. 11193 OF 2014

Shri Pravin Virji Solanki
V/s.

... Petitioner

Dean,
Government Dental College & Hospital
Mumbai.

... Respondents

Mr. R.M. Kolge for the petitioner.
Mr. C.P. Yadav, AGP for the State.

**CORAM : NARESH H. PATIL AND
A.S. GADKARI, JJ.**

12th January, 2015.

P.C.

The petitioner claims to have been appointed as badli worker in the year 1992 for 31 days. Thereafter, he was appointed from 27.7.1992 to 17.8.1992 for 29 days as badli employee. The observations made by the Tribunal in Paragraph-5 of the impugned order reveals that petitioner never worked on the establishment of the respondent nor gave any application for appointment of badli employee from 17/8/1992 till 21/10/2011.

2. The learned Counsel appearing for the petitioner submits that based on the orders passed in other petition, interim order was passed in favour of the petitioner during pendency of the revision application before the Tribunal. The Tribunal rejected the revision application. It is submitted that the Tribunal

committed error in not considering the issues raised by the petitioner. The learned Counsel further contends that even if the petitioner approached the Tribunal in the year 2012, the relief directing respondents to include his name in the seniority list cannot be denied.

3. Paragraph-5 of the impugned judgment of the Tribunal reads as under:

“We find that the Applicant has not denied the contention of the Respondent that he had worked only on two occasions viz from 15.6.1992 to 15.7.1992 (31 days) and from 27.7.1992 to 17.8.1992 (29) days as Badli employee, After that he never worked on the establishment of the Respondent nor gave any application for appointment as Badli employee from 17.8.1992 to 21.10.2011. We do not find the basis on which the Applicant can claim that his seniority may be counted from 1992 for the purpose of employment of Badli employees. We find that the facts in the present case are different from those in Original Application no. 526 of 2011. There G.T. Hospital was keeping a seniority list of Badli employees and the Applicants therein were seeking relief of inclusion of their names in that list. Here, the Respondent does not keep any such list. We are unable to give direction to the Respondent to start such a list. The applicant does not appear to have any claim for inclusion of his name, even if such a list was maintained.”

4. The petitioner's contention that in similarly situated cases the Tribunal granted interim-relief and in the case of the petitioner also interim-relief was passed, is no ground to say that Tribunal finally ought to have issued appropriate

directions as prayed for by the petitioner. The petitioner do not have right to claim any post or appointment. Admittedly, petitioner was appointed as badli worker for a period of 31 days and thereafter for 29 days. In this case, we are not inclined to exercise our extraordinary writ jurisdiction. There is no merit in the petition. Writ Petition is dismissed.

(A.S. GADKARI, J.)

(NARESH H. PATIL, J.)

L.S. Panjwani, P.S.