

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.161 OF 2011.

(THE ZILLA PARISHAD...VS..RAMESH HARIBHAU WADEKAR & ANR.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

CORAM : Z.A.HAQ, J.

DATED : JULY 20, 2015.

Heard Mr. J.B.Kasat, the learned advocate for the petitioner, Mr.P.S.Patil, the learned advocate for the respondent No.1 and Mr. K.L.Dharmadhikari, the learned A.G.P. for the respondent No.2.

2. The Zilla Parishad-Employer has filed this petition challenging the order passed by the Industrial Court, allowing the complaint filed by the respondent No. 1-employee and directing the petitioner to confer permanency on the respondent-employee w.e.f. 13th March, 1985 along with the consequential benefits.

3. Civil Application No. 1211 of 2015 has been filed by the respondent praying that the petition be disposed of in terms of the judgment given by this Court in Writ Petition No. 938 of 2009 and the judgment given in Writ Petition No.1309 of 2008 and other connected matters.

4. Writ Petition No. 938 of 2009 was also filed by the Zilla Parishad (present petitioner) and Writ Petition No. 1309 of 2009 and other connected matters were filed by the employees against Zilla Parishad (present petitioner). It is

undisputed that the present respondent No.1 is similarly placed like the employees who had filed Writ Petition No.1309 of 2009 and the employee against whom Writ Petition No. 938 of 2009 was filed by the Zilla Parishad. The issue involved in the present matter is covered by the judgments given by this Court in the above referred writ petitions.

5. Hence, the petition is disposed of in terms of the judgment given by this Court in Writ Petition No. 938 of 2009 and Writ Petition No.1309 of 2008.

The impugned order passed by the Industrial Court, insofar as it directs the petitioner to confer permanency on the respondent No.1-employee is concerned, it is maintained. However, the directions given by the Industrial Court to grant consequential benefits is modified and it is directed that the respondent No.1-employee will be entitled for actual monetary benefits from the date of filing of the complaint before the Industrial Court.

The writ petition is disposed of in the above terms. In the circumstances, the parties to bear their own costs.

JUDGE