

THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.
APPELLATE SIDE JURISDICTION

WRIT PETITION NO. 2586 OF 1995

Balaji Namdeo Chavan,
Age : 26 yrs, Occ: Nil,
R/o Marshirani Post, Ahmedpur,
Dist. Latur.

... PETITIONER

VERSUS

1. The State of Maharashtra.
(Copy to be served on G.P.
High Court of Bombay,
Bench at Aurangabad).
2. Executive Engineer,
Environmental Engineering Works Div.
Latur, Dist. Latur.
3. Deputy Engineer,
Environmental Engineering Works,
sub division, Udgir, Tal. Udgir, Dist. Latur.
4. Sudhir Bhanudas Jadhav,
Age : Major, Occu :Service,
R/o. C/o. Dy. Environmental Works Div.
sub division, Udgir, Tal. Udgir, Dist. Latur. (Deleted as per
Additional Registrar's
Order dated 6-10-95)
5. M. G. Gaikwad,
Age : Major, Occ : Service,
R/o. Water Tank, Ahemadpur,
Tal. Ahemadpur, Dist. Latur.

6. Dipak Mahade,
Age : Major, Occ : Service,
R/o Water Supply, sub Division,
Masjeed Road Osmanabad,
Dist. Osmanabad.

... **RESPONDENTS**

...
Mr. A. N. Gaddime, Advocate for Petitioner.
Mr. C. V. Dharurkar, AGP for Respondent No.1.
Mr. H. V. Tungar, Advocate h/f Mr. C. R. Deshpande, Advocate for
Respondent No.5

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CORAM : **P. R. BORA, J.**

DATE : 09th June, 2016.

ORAL JUDGMENT:

. The Petitioner has filed the present petition taking exception to the judgment and order passed by the Labour Court at Latur in Reference IDA No.34 of 1990 on 13th January, 1995 alongwith other reference applications.

2 Office of the Deputy Commissioner, Labour Aurangabad had referred the said dispute under Sub-Section (1) of Section 10 and Sub-Section (5) of Section 12 of the Industrial Disputes Act to the Labour Court at Aurangabad for adjudication. Several other references of similar nature were also forwarded for adjudication to the Labour Court. All these reference applications were commonly

heard by the Labour Court and a common judgment was delivered by the Labour Court.

3 It was the contention of the Petitioner that though he had continuously worked for more than 240 days with the Respondent, his services were orally terminated without following the procedure of law. However, on perusal of the impugned judgment and more particularly para 29 of the said judgment, it is revealed that the record, which was produced by the present Petitioner before the Labour Court was revealing that he had worked on daily wages only for 52 days. Since the Petitioner had failed in proving the very basic requirement that he had worked for more than 240 days with the Respondent, the learned Labour Court did not find any substance in the complaint made by the Petitioner and that was the reason that the reference application filed by the Petitioner was rejected by the Labour Court.

4 In the present petition the same ground has been raised that the procedure as prescribed in law was not followed before terminating the services of the Petitioner and hence the termination was bad in law and deserves to be set aside. The contention so raised is liable to be rejected in view of the fact that the Petitioner has

failed in bringing on record the evidence that the was in continuous employment of the Respondents and that in the preceding year he had continuously worked for more than 240 days. The documents, which Petitioner himself has produced on record show that he had worked only for 52 days. As such, no right can be said to have accrued in favour of the Petitioner. In the circumstances, it does not appear to me that the learned Labour Court has committed any error in rejecting the reference application. The writ petition is devoid of any substance and it deserves to be dismissed and it is accordingly dismissed. Rule discharged.

5 Pending civil application stands disposed of.

[P. R. BORA, J.]

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