

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 3284 OF 1995

1. The State of Maharashtra,
through Superintending Engineer,
Public Works Circle, Office
Bandkam Bhavan, Aurangabad.

2. Executive Engineer,
Public Works Division,
Padampura, Aurangabad.

3. Deputy Engineer,
Public Works Division (South),
Padampura, Aurangabad.

..Petitioners

Versus

1. Gulam Mohd. Najibuddin
S/o Gulam Mohd. Nizamuddin,
Age 42 years, Occ. Service,
R/o H.No.672, Pensionpura,
Cantonment, Aurangabad.

2. The Learned Member,
Industrial Court, Aurangabad.

..Respondents

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AGP for Petitioner : Smt. Raut S.S.
Respondents : Served

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CORAM : RAVINDRA V. GHUGE, J.
Dated: May 10, 2016

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ORAL JUDGMENT:-

1. This petition filed by the State was admitted on 13.7.1995 and interim relief was refused.

2. Despite service of Court notice, none have appeared for respondent No.1 / original complainant. Respondent No.2 is a formal party.

3. The petitioners have challenged the judgment and order dated 9.12.1994, delivered by the Industrial Court, Aurangabad by which, Complaint (ULP) No.22 of 1991, filed by the respondent / employee has been allowed.

4. The learned AGP, on behalf of the petitioners, has strenuously criticized the impugned judgment. She has taken me through the Written Statement that was filed on 29.7.1992 in the Complaint, which was filed by the respondent / employee seeking benefits under the Kalelkar Settlement. She has pointed out the grounds for challenge set out in the petition and has strenuously canvassed that the impugned judgment is perverse and erroneous.

5. Learned AGP has relied upon the original service book of the respondent. It is submitted that the respondent has attained the age of superannuation on 31.12.2007.

6. I have considered the submissions of the learned AGP and have gone through the grounds set out in the appeal as well as the contentions put forth by the petitioners in their Written Statement

before the Industrial Court.

7. It cannot be ignored that the petitioners neither cross-examined the respondent / employee before the Industrial Court nor did they lead evidence. The Industrial Court has relied upon the documents produced before it and has considered the testimony of the respondent, who has proved before the Industrial Court on the basis of the documentary evidence that he was working as a Clerk in the Sub-division Office at Sillod. He was never working as a Labourer or a Majdoor.

8. In addition to the above, it is noteworthy that this Court did not grant any interim relief to the petitioners and therefore, the petitioners have implemented the impugned judgment of the Industrial Court dated 2.12.1994. By its decision dated 1.2.1996, the petitioners implemented the impugned judgment and an entry to that effect has been taken on 4.4.1997 at page No.23 of the original service book of the employee, which has been shown to the Court. So also, the respondent / employee has superannuated on 31.12.2007, which is practically nine years ago.

9. In the light of the above, this petition is rendered of an academic interest. Same is, therefore, disposed off.

10. Rule is discharged.

(RAVINDRA V. GHUGE, J.)

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