

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

WRIT PETITION NO. 3256 OF 1995

Babasaheb S/o Natha Gadekar,
Age : Major, Occ : Nil,
R/o. Phalkewadi (Sultanpur Khurd),
Tq. Shevagaon, Dist. Ahmednagar.

... **PETITIONER**

VERSUS

1. Central Bank of India,
Tilak Road, Ahmednagar,
through its Regional Manager.

2. The State of Maharashtra.
(Copy to be served on Govt.
Pleader, High Court of Bombay,
Bench at Aurangabad).

... **RESPONDENT**

...
Mr. N. K. Kakade, Advocate for Petitioner.

Mr. N. T. Tribhuwan, Advocate for Respondent No.1.

Mr. S. W. Munde, AGP for Respondent No.2.

...

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

DATE : 23rd June, 2016.

ORAL JUDGMENT:

. Heard the learned counsel appearing for the parties.

2 Perused the impugned award passed by the Central Government Industrial Tribunal, Bombay in Reference No.CGIT-2/5 of 1993. The present Petitioner had raised a dispute about his alleged termination from the services of the Respondent / Bank and accordingly a reference was made by the Government of India, Ministry of Labour, New Delhi and was forwarded for adjudication to the Central Government, Industrial Tribunal, Bombay. Before the Tribunal, it was the contention of the present Petitioner that though he had continuously worked for years together with the Respondent / Bank and though in each preceding year before his alleged termination he worked continuously for the period of more than 240 days, his services were orally terminated. The Petitioner had, therefore, sought relief of reinstatement with continuity of service and with back-wages.

3 Per contra, it was the contention of the Respondent / Bank before the Tribunal that the Petitioner had never worked continuously with Respondent / Bank much less for 240 days continuously in any preceding year and was therefore, not liable for any relief. It was further contended that the appointment provided to the Petitioner was purely on temporary basis and before his

appointment, due procedure was not followed. It was also contended that Petitioner, being a temporary workman, was not entitled to claim any benefit available to the regularly appointed permanent workman. The learned Industrial Tribunal after having assessed the evidence brought before it, dismissed the reference so filed by the present Petitioner. Said order has been challenged by the Petitioner in the present petition.

4 The learned counsel appearing for the Petitioner sought to contend that the learned Tribunal has failed in appreciating that the present Petitioner had continuously worked with the Respondent / Bank though in different names and as such was liable to be made permanent in the service of the Respondent / Bank and at least he could not have been terminated without following due process of law. In view of the discussion made by the Tribunal that the Petitioner had failed in proving the fact that he had continuously worked with Respondent / Bank and further that his appointment was not made by following due process of law, no fault can be found in the conclusion arrived at by the Tribunal. There is no substance in the petition so filed. I do not see any reason to cause any interference in the impugned order. Hence the following order –

ORDER

The writ petition is dismissed. However, in the circumstances of the case, no order as to costs. Rule discharged

[P. R. BORA, J.]

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