

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.5493 OF 1995

- 1 The State of Maharashtra.
 Through Secretary,
 Irrigation Department,
 Mantralaya, Bombay.
- 2 The Administrator,
 Commander, Command Area
 Development Authority,
 Ahmednagar.
- 3 The Executive Engineer,
 Mula Irrigation Division,
 Ahmednagar.

...PETITIONERS

-VERSUS-

- 1 Baban Sakharam Wagh,
 Waghwadi Jeur, Ahmednagar.
- 2 The learned Member,
 Industrial Court, Ahmednagar.

...RESPONDENTS

...
Shri P.N.Kutti, AGP, for the Petitioners/ State.
None for the Respondent.
...

CORAM: RAVINDRA V. GHUGE, J.

DATE :- 18th August, 2016

Oral Judgment :

- 1 Respondent No.2 is not a necessary party and hence, deleted.

2 The Petitioners are aggrieved by the judgment and order dated 29.12.1994 delivered by the Industrial Court by which a group of ULP complaints have been allowed and the original Complainants, which also includes the Respondent/ Employee herein, have been granted regularization and benefits incidental thereto.

3 While admitting this petition, this Court (Coram : B.H.Marlapalle, J.) has passed the following order on 19.02.1998 :-

“This is a group of petitions filed either by the State Government Departments or by the employees aggrieved by the orders passed against them regarding termination, discontinuation, refusal to grant permanency benefits and so on. The employees involved in all these petitions were working as Muster Assistants under the Employment Guarantee Scheme, admittedly.

The Government of Maharashtra has announced a scheme for the absorption/regularization of services of Muster Assistants on 01.12.1995 and the said scheme has been approved by the Supreme Court by its order dated 02.12.1996 in Civil Appeal No.25339 of 1996. A copy of the said scheme and the order passed by the Supreme Court are brought on record by the learned Assistant Government Pleader. There is also no dispute that most of the employees in these petitions are presently out of employment.

Rule. Expedited.

For considering interim relief, it is directed that the respective State Government Departments/ authorities, who are parties in this group of petitions should examine the cases of the employees

who are either petitioners or respondents in these petitions and who are presently out of employment so as to grant them benefits of the scheme announced on 01.12.1995 and in case any of such employees are found to be eligible for the benefits of the scheme, a report to that effect be submitted to this Court by the respective authorities. This exercise should be completed by the State authorities in each case within a period of three months from today.

Stand over to 17th of June, 1998.

Liberty granted.”

4 Notwithstanding the above, this Court by its order dated 19.02.1998, upon considering the earlier order passed by this Court (Coram : A.D.Mane, J.) dated 07.12.1995, took into account the fact that the Government had introduced the scheme for regularization of services of the employees like the Employee herein. The said scheme dated 01.12.1995 has been approved by the Honourable Supreme Court by its order dated 02.12.1996.

5 Considering the above, this Writ Petition is disposed of with the observation that if the Respondent/ Employee is still in employment, he shall be covered by the scheme of the State Government dated 01.12.1995 as noted by this Court in the order reproduced above. In the event, he is not in employment and is aggrieved by his disengagement by the Petitioners, he shall be at liberty to seek redressal of his grievance in

accordance with the remedy available in law. The impugned judgment shall, therefore, stand modified in terms of the scheme dated 01.12.1995 announced by the State Government and which has been approved by the Honourable Supreme Court by its order dated 02.12.1996 as noted above.

6 This Writ Petition is, accordingly, disposed of. Rule is discharged.

kps

(RAVINDRA V. GHUGE, J.)