

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 4102 OF 1995

Aurangabad Zilla Sahakari Doodh
Utpadak Sangh Ltd., Aurangabad
Adjacent to Government Milk Scheme
through its Managing Director
Shri Ashok Sheshgiri Mahegaonkar
Age 45 years, Occ. Service
R/o as above.

..Petitioner

Versus

1. Aurangabad Zilla Sahakari Doodh
Utpadak Sangh Va Sanstha
Karmachari Sanghatana, 33,
Municipal Shopping Centre,
Aurangabad, Tq. and Dist. Aurangabad.

2. Industrial Court, Aurangabad.

3. (i) B.B.Bainade
Age major, Occ. Service
R/o Aurangabad.

(ii) W.B.Dalvi
Age major, Occ. Service
R/o Aurangabad.

(iii) D.M.Kadam,
Age major, Occ. Service
R/o Aurangabad.

(iv) Pradeep S. Attarde
Age major, Occ. Service
R/o Aurangabad.

(v) B.P.Borde
Age major, Occ. Service
R/o Aurangabad.

The respondent Nos. 3(i)
to 3(v) are formal parties.

..Respondents

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Advocate for Petitioner : Shri Prashant Deshmukh
Advocate for Respondent 1 : Shri T.K.Prabhakaran
Advocate for Respondent 2 : Deleted
Advocate for Respondent 3 : Dismissed.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: July 20, 2016
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ORAL JUDGMENT :-

1. The petitioner is aggrieved by the judgment dated 12.12.1994, delivered by the Industrial Court, Aurangabad by which, Complaint (ULP) No.125 of 1990 has been allowed and the petitioner is directed to reshuffle the position of promotion to the post of Milk Supervisor and Cashier on the relevant dates when Shri B.B. Bainade, Shri N.U.Dalvi, and Shri D.N.Kadam were given promotions as Milk Supervisors and Shri P.S. Attarde and Shri B.P.Borde were given promotion as Cashiers. The Industrial Court has also directed to consider the eligibility of all employees in part I and II for promotion to either of these posts and those who were found to be eligible to be given promotion from the respective dates.

2. This petition was admitted by this Court on 7.9.2004. By orders dated 18.3.1996 and 25.1.2000, the case was to be considered for interim relief. However, interim relief was not granted to the petitioner.

3. I have considered the submissions of the petitioner and the

respondents.

4. The Industrial Court, while delivering the impugned judgment has considered the Government Resolution dated 25.5.1985 and the publication, by way of advertisement, dated 25.7.1989, 22.11.1989 and 2.3.1990. The promotions by which the respondents were aggrieved, were granted on 17.2.1990. It is noteworthy that while allowing the complaint, the Industrial Court has not directed either to withdraw the promotion granted to any employee, nor has it directed that a particular employee should be granted promotion to a particular post.

5. It was noted by the Industrial Court that a committee for each district was established under the Government Resolution. Three persons, namely, Bharat Bainade, Narayan Dalvi and D.M.Kadam were granted promotions and the other eligible employees were overlooked. On the basis of evidence, the Industrial Court concluded that though the petitioner resolved by Resolution No.3 dated 21.10.1992 to prepare separate Rules for promotion, no such Rules were in fact framed. Upon perusing the seniority of the employees, the evidence on record indicated that the three employees who were granted promotion were junior to the other employees, who were overlooked. It is in this backdrop that the Industrial Court directed the petitioner to reshuffle the position of promotions so as to bring

them in tune with the dates on which other employees would be eligible and accordingly, consider the employees for grant of promotions based on their eligibility and seniority.

6. I do not find that the impugned judgment could be termed as being perverse or erroneous. This petition being devoid of merits is, therefore, dismissed.

7. Rule is discharged. No order as to costs.

(RAVINDRA V. GHUGE, J.)

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akl/d