

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

WRIT PETITION NO. 926 OF 1997

The Chief Executive Officer,
Zilla Parishad, Ahmednagar.

...PETITIONER

-VERSUS-

1 Shri Nanasaheb Rambhau Perane,
R/o Waghacha Akhada,
Tq.Rahuri, District Ahmednagar.

2 The State of Maharashtra.
Through the Collector (EGS),
Ahmednagar.

...RESPONDENTS

WITH
WRIT PETITION NO.2189 OF 2004

The Chief Executive Officer,
Zilla Parishad, Ahmednagar.

...PETITIONER

-VERSUS-

Nanasaheb Rambhau Perne,
Age : 54 years, Occupation : Nil,
R/o Waghacha Akhada,
Rahuri, Tq.Rahuri,
District Ahmednagar.

...RESPONDENT

...

Advocate for Petitioner : Shri Shri S T Shelke.
AGP for Respondents/ State : Shri P.N.Kutti.
Advocate for Respondent 1 : Shri V.S.Bedre.

...

CORAM: RAVINDRA V. GHUGE, J.

DATE :- 20th October, 2016

Oral Judgment :

1 In the first petition, the Petitioner has challenged the judgment and award dated 24.09.1996 delivered by the Labour Court in Reference (IDA) No.155/1992 vide which the Respondent was granted reinstatement as a Mustering Assistant with continuity of service and one third back wages from 05.04.1991. By order dated 13.03.1997, interim relief in terms of prayer clause (C) was granted and the impugned award was stayed. Subsequently, the petition was admitted and interim relief was continued.

2 It is jointly submitted by the learned Advocates that the issue of Mustering Assistants was before this Court several years ago. The matter had also reached the Honourable Supreme Court. The State has presented the scheme before the Honourable Supreme Court and the same was approved. Consequentially, the Government Resolution dated 01.12.1995 was introduced so as to absorb the Mustering Assistants who were working on Employment Guarantee Scheme (EGS).

3 In pursuance to the above developments, this Court delivered its judgment on 15.10.1999 in Writ Petition No.703/1997 with connected Writ Petitions in the matter of the same *Zilla Parishad, Ahmednagar vs. Namdeo Natha Pawar and others*. The Zilla Parishad was directed to consider the case of the Respondents/ Employees strictly in accordance with the scheme dated 01.12.1995.

4 This Court by its judgment dated 21.09.2000 in the matter of the *Chief Executive Officer, Zilla Parishad, Ahmednagar vs. Daulat Narsingrao Deshmukh*, **2001(2) Mh.L.J. 543**, then delivered a similar judgment and the Petitioner was directed to consider the cases of the employees as per the Government Resolution dated 01.12.1995. A similar judgment dated 30.08.2001 in a group of petitions in Writ Petition No.847/1996 was delivered by this Court.

5 In the light of the above, the first Writ Petition stands partly allowed by replacing the impugned award dated 24.09.1996 with the direction to the Petitioner to consider the case of the Respondents/ Employees for absorption as per the Government Resolution dated 01.12.1995. Rule is made partly absolute accordingly.

6 Consequent to the above conclusion, the second Writ Petition No.2189/2004 is partly allowed. The impugned order dated 19.07.2003 does not survive and is, therefore, set aside. Complaint (ULP) No.76/1997 is disposed of. Rule is made partly absolute accordingly.

7 In the light of the above, Criminal Complaint (ULP) No.26/2003 filed by the Respondent does not survive and stands disposed of.

kps

(RAVINDRA V. GHUGE, J.)