

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

WRIT PETITION NO.753 OF 1997
WITH
CIVIL APPLICATION NO. 14239 OF 2016
IN WP/753/1997

- 1 The State of Maharashtra.
- 2 The Executive Engineer,
Irrigation Research Division,
Behind Gurudwara, Osmanpura,
Aurangabad.
- 3 The Soil Scientist,
Soil Scientist Unit,
Basmatnagar, District Parbhani.

...PETITIONERS

-VERSUS-

- 1 Sugraji s/o Prubhaji Ghate,
Age : 35 years, Occupation : Service,
R/o At Post Sawangi,
Tq.Hingoli, Dist.Parbhani.
- 2 The learned Member,
Industrial Court, Jalna.

...RESPONDENTS

...
AGP for Petitioners/ State : Shri S.N.Kendre.
...

CORAM: RAVINDRA V. GHUGE, J.

DATE :- 25th November, 2016

Oral Judgment :

1 Respondent No.2 being the Industrial Court, stands deleted.

2 Civil Application No.14239/2016 is moved for seeking
condonation of delay of 16 years and 249 days caused in filing the
application for bringing the legal heirs of the deceased Respondent No.1
on record. Notice was issued by this Court on 25.10.2016 to the legal
heirs. A copy of the Civil Application for issuance of notice was not filed
by the Petitioner in the Registry.

3 Considering the above and the fact that inordinate delay of 16
years and 249 days has occurred, I called upon the learned AGP to address
the Court on the merits of the matter only to assess as to whether, any
purpose would be served by condoning the delay of about 17 years and
bringing the legal heirs of the deceased Respondent on record.

4 The learned AGP has strenuously criticized the impugned
judgment of the Industrial Court dated 27.08.1996 by which the Petitioner
is directed to send the proposal of the original Complainants so as to bring
them on Regular Temporary Establishment (RTE) which is a stage after
they are brought on Converted Regular Temporary Establishment (CRTE)
in the light of the Kalelkar Award. The Industrial Court has directed that
monetary benefits would be available only after they are brought on RTE

and in accordance with the rules and policies applicable.

5 I have heard the learned AGP for quite sometime. Despite his strenuous submissions, I do not find that the impugned judgment of the Industrial Court could be termed as being perverse or erroneous. The Kalelkar Award is in place for the past about four decades. Recently, the State of Maharashtra has concluded that effect of the Kalelkar Award shall be continued as it renders assistance to the employees working in the establishments which are covered by the Kalelkar Award.

6 It is the scheme under the Kalelkar Award that after an employee works for five consecutive years, he is taken on CRTE and after putting in five years in CRTE, is brought on RTE by which he gets benefits incidental and consequential to the regularization. It is equally settled that an employee need not work for 240 days in each calender year before being brought on CRTE. What is required is, he has to work for five consecutive years.

7 In the instant case, the original Complainants were brought on CRTE and were awaiting entry in RTE. In my view, the impugned order of the Industrial Court indicates pragmatism and due circumspection. It cannot be termed as being perverse or erroneous. As such, even on merits

of the case, I do not find that challenge put forth by the Petitioner could be sustained.

8 In the light of the above, no purpose would be served by bringing the legal heirs on record after about 17 years. As such, the Civil Application is rejected and the Writ Petition stands abated. Rule is discharged.

kps

(RAVINDRA V. GHUGE, J.)