

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

WRIT PETITION NO. 1679 OF 2003

1. The State of Maharashtra,
Through the Chief Agriculture Officer,
Central Building, Latur.
2. The Divisional Agriculture Asstt.
Director, Central Building,
Latur (Now Divisional Jt. Director
of Agriculture, Latur Division, Latur)

... **PETITIONERS**
(Ori. Respondents)

VERSUS

Shri Ramesh Rangnathrao Bhojane,
Age 25 yrs, Occu. Service,
R/o Uti (B), Tq. Ausa, Dist. Latur.

... **RESPONDENT**
(Ori. Applicant/Petitioner)

...

Mr. U. H. Bhogale, AGP for the Petitioners.
None for the Respondent.

...

CORAM : **P. R. BORA, J.**
DATE : 16th June, 2016.

ORAL JUDGMENT:

. The order passed by the Member Industrial Court,
Solapur on 20th April, 2000 in Complaint (ULP) No.289 of 1991 is

questioned in the present petition by the Petitioner. Respondent No.1 had filed the aforesaid complaint under Items 5, 6, 9 and 10 of Schedule – IV of the M.R.T.U. & P.U.L.P. Act alleging that though he is in continuous service of the Respondents i.e. present Petitioners and had worked for more than 240 days in the preceding year, he has not been extended benefit of permanency. It was also the contention of the present Respondent that similarly placed other employees working as drivers were getting the wages as per the scale, but the Complainant was deprived of the pay in the scale.

2 The complaint so filed by Respondent No.1 was contested by the present Petitioner. However, on assessment of the oral and documentary evidence brought before it, the learned Member, Industrial Court, Solapur partly allowed the said complaint directing the Respondents therein i.e. present Petitioners to continue the Complainant i.e. Respondent No.1 in the regular pay scale till the availability of regular candidate from the selection board.

3 After having perused the entire text of the judgment delivered by the learned Industrial Court in light of the objections raised by the Petitioners in the present petition, it does not appear to

me that any error is committed by the learned Tribunal in partly allowing the complaint vide the impugned order. Since it was the contention of the present Petitioners that Respondent – employee was not regularly selected candidate and that no procedure as prescribed in law was followed before making his appointment, the learned Industrial Court has directed to continue the services of the Respondent – employee till the regularly selected candidate from the selection board resumes the duties. The order so passed by the Industrial Court cannot be said to have caused any prejudice to the Petitioners for the reason that no permanent right is created in favour of the Respondent – employee. The writ petition is devoid of any substance and deserves to be dismissed. It is accordingly dismissed without any order as to the costs. Rule discharged.

[P. R. BORA, J.]

ndm