

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 256 OF 1997

The Deputy Engineer,
Zilla Parishad Construction
Sub-Division, Kallam,
Taluka Kallam, District
Osmanabad.

..Petitioner

Versus

1. Bharat Pandurang Kanade
Age major, r/o Kallam,
Tq. Kallam, Dist. Osmanabad.

2. The Tahsil Office, Kallam.

..Respondents

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Advocate for Petitioner : None present
Advocate for Respondent 1 : Shri C.K.Shinde
AGP for Respondent 2 : Shri P.N.Kutti

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CORAM : RAVINDRA V. GHUGE, J.

Dated: October 13, 2016

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ORAL JUDGMENT :-

1. None appeared for the petitioner on 6.10.2016. None appears even today.

2. The petitioner has challenged the judgment and order dated 25.3.1996, delivered by the Industrial Court, Solapur in Complaint (ULP) No.203 of 1998, by which, respondent No.1 was granted reinstatement with continuity and full backwages.

3. Shri Shinde, learned Advocate for the respondent submits that the respondent has been in employment for sometime, pursuant to the interim orders of the industrial Court. He had claimed to be in employment from 16.9.1985 till 22.5.1987, when he was terminated.

4. He, however, submits that the State had prepared a scheme for absorption of Mustering Assistants, working on Employment Guarantee Scheme ("EGS"), vide Government Resolution dated 1.12.1995. The said Scheme was placed before the Honourable Apex Court and the same was accepted. Pursuant thereto, this Court dealt with an identical case in the matter of Chief Executive Officer, Zilla Parishad, Ahmednagar Vs. Daulat Narsingrao Deshmukh [2001 (2) Mah. L. J. 543], quashed the judgment of the Labour Court and directed the State to consider the case of the employee for absorption as per the scheme dated 1.12.1995. He submits that several judgments on these lines have then been delivered by this Court. He, therefore, submits that a similar order can be passed in this case also.

5. In the light of the above, this petition is partly allowed. The impugned order of the Industrial Court dated 25.3.1996 is quashed and set aside and the petitioner is directed to consider the claim of the respondent / employee strictly in accordance with the scheme prepared by the State Government vide Government Resolution dated 1.12.1995 and in accordance with the norms laid down in the

subsequent Government Resolutions dated 21.4.1999.

6. Rule is made partly absolute in above terms.

(RAVINDRA V. GHUGE, J.)

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