

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 3452 OF 1997
WITH
CIVIL APPLICATION NO. 3107 OF 2003

1. The State of Maharashtra

2. The Assistant Engineer
Sub Divisiona No.II,
Minor Irrigation Division,
Hingoli, Dist. Parbhani.

3. The Executive Engineer,
Minor Irrigation Divison,
Parbhani.

..Petitioners

Versus

1. Vinod Vishnupant Bandale,
Age major, Occ. Service
R/o Near Jamadar Well,
Mangalwara, Hingoli,
District Parbhani.

2. Member,
Industrial Court,
Jalna.

..Respondent

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AGP for Petitioners : Shri S.P.Sonpawale
Advocate for Respondent 1 : Shri Pradeep Shahane
Advocate for Respondent 2 : Deleted

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CORAM : RAVINDRA V. GHUGE, J.
Dated: December 15, 2016

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ORAL JUDGMENT :-

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

2. The petitioners are aggrieved by the judgment dated 13.6.1997, delivered by the Industrial Court, Jalna, by which, Complaint (ULP) No.53 of 1994 (Old No.65 of 1988) has been allowed. While admitting this petition on 1.9.1997, interim relief was refused to the petitioners.

3. Shri Shahane, learned Advocate for the respondent / employee has placed on record a compilation of documents (six pages), indicating that the petitioners have complied with the directions of the Industrial Court in totality, the respondent has been granted all benefits accordingly and he has also superannuated from service on 31.8.2014. The said documents are collectively marked as Exhibit "X" for identification.

4. Considering the above and despite the strenuous submissions of the learned AGP, I do not find it appropriate to reopen the entire issue and more so in the light of the fact that the impugned judgment and directions of the Industrial Court are squarely within the Scheme made applicable through the Kalelkar Settlement and which is still in vogue. The directions impugned do not amount to any contravention of the terms of the Kalelkar Settlement and hence the judgment is sustainable.

5. In the light of the above, this petition, being of devoid of

merits is, therefore, dismissed. Rule is discharged.

6. Pending Civil Application, stands disposed off.

(RAVINDRA V. GHUGE, J.)

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