

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

..WRIT PETITION NO.5024 OF 2004..

MANILAL PRATAP SALUNKE AND OTHERS
VERSUS
SUPERINTENDING ENGINEER MSEB AND OTHERS

...
Advocate for Applicants : Shri Singh Mukeshkumar R.
Advocate for Respondents : Shri Bajaj A.S.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: September 02, 2016
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PER COURT :-

1. The petitioner is aggrieved by the judgment of the Labour Court dated 9.5.2002, by which, Complaint (ULP) Nos.10 to 14 of 2001 have been dismissed. The petitioners are also aggrieved by the impugned judgment dated 13.4.2004, by which, Revision (ULP) Nos.94 to 97 of 2004, have been rejected.

2. I have considered the submissions of the learned Advocates for the petitioners and the respondents for quite sometime. With their assistance, I have gone through the petition paper book.

3. There is no dispute that the petitioners were appointed by order dated 29.12.2000. They received their orders of termination dated 8.1.2001 on the same day. Grievance is that they had appeared for a trade test on 17.5.1996 and were orally interviewed on 11.6.1996. Their

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names were entered in the waiting list. Persons below the petitioners have been given appointment orders and the petitioners have been ignored. Out of the petitioners, who have worked for about 18 days, one of them, namely, Sunil Ghuge has actually worked only for 5 days.

4. Shri Bajaj, learned Advocate for the respondent / establishment submits that the wait list with the department is maintained for a year. It was not established before the Labour Court that the rights of the petitioner were ignored and persons below them in the wait list were appointed. After the management realized that these petitioners were erroneously appointed against the wait list, the mistake was rectified and within 18 days, they were dis-engaged. Shri Rane, an officer with the management, who was responsible for issuing the appointment orders to the petitioners and more so when there was a ban on recruitment, has been punished with reversion from Upper Division Clerk to Lower Division Clerk for three years. Another employee Shri Thakare has been punished with withholding of one increment and another person Shri Chate has been punished by withholding his two increments.

5. In the light of the above, I do not find that the impugned judgment of the Labour Court and of the Industrial Court could be

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termed as being perverse or erroneous. This petition being devoid of merits is, therefore, dismissed.

(RAVINDRA V. GHUGE, J.)

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