

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

WRIT PETITION NO. 1379 OF 2004
WITH
CIVIL APPLICATION NO.7470/2005
IN WP/1379/2004

Zilla Parishad, Ahmednagar.
Through its Chief Executive Officer.

...PETITIONER

-VERSUS-

Bajirao Gangadhar Rahane,
Age : Major, Occupation : Nil,
R/o Chandanapuri,
Tal.Sangamner,
District Ahmednagar.
Died through L.Rs.:-

- 1 Smt.Kantabai Bajirao Rahane,
Age : 58 years, Occupation : Nil.
- 2 Pravin Bajirao Rahane,
Age : 27 years, Occupation : Education.
- 3 Kanchan Bajirao Rahane,
Age : 25 years, Occupation : Education.
- 4 Vikas Bajirao Rahane,
Age : 22 years, Occupation : Education.

All R/o Chandanapuri, Tal.Sangamner,
District Ahmednagar.
(L.Rs. brought on record as per order passed today
i.e. 20.10.2016).

...RESPONDENTS

WITH
WRIT PETITION NO.1392 OF 2004
WITH

CIVIL APPLICATION NO.7472 OF 2005
IN WP/1392/2004

Zilla Parishad, Ahmednagar.
Through its Chief Executive Officer.

...PETITIONER

-VERSUS-

1 Vishnu Shankar Kale,
Age : Major, Occupation : Nil,
R/o Shingwe Naik,
Taluka and District Ahmednagar.

2 Baba Bhimaji Pund,
Age : Major, Occupation : Nil,
R/o Dehere,
Tal. and Dist.Ahmednagar.

3 Machindra s/o Laxman Shinde,
Age : Major, Occupation : Nil,
R/o Warwandi, Tal.Rahuri,
District Ahmednagar.

...RESPONDENTS

WITH
WRIT PETITION NO.1418 OF 2004
WITH
CIVIL APPLICATION NO.7469 OF 2005
IN WP/1418/2004

Zilla Parishad, Ahmednagar.
Through its Chief Executive Officer.

...PETITIONER

-VERSUS-

Bhausahab s/o Naguji Kasar,
Age : Major, Occupation : Nil,
R/o C/o Panchayat Samiti,
Newasa, Tal.Newasa,
District Ahmednagar.

...RESPONDENT

...
Advocate for Petitioner : Shri S T Shelke.
Advocate for Respondents : Shri Narwade Narayan B. and Shri
V.N.Upadhye.
...

CORAM: RAVINDRA V. GHUGE, J.

DATE :- 20th October, 2016

Oral Judgment :

1 In all these matters, the Petitioner/ Zilla Parishad has challenged the judgment and order dated 11.08.2003 delivered by the Industrial Court in Complaint (ULP) Nos.17/1993, 451/1994 and 505/1992, respectively. In all these matters, the Industrial Court has granted benefits of the Kalelkar Settlement to these Respondents/ Employees. While admitting these petitions, this Court has stayed the impugned judgments.

2 There is no dispute that in all these matters, the Petitioner is the Zilla Parishad, Ahmednagar and the Respondents are identically situated employees. Hence, I have taken up these petitions together for final hearing.

3 In the first petition, the sole Respondent (Bajirao Gangadhar Rahane) has passed away on 21.06.2016. On oral request of the learned

Advocate for the deceased Respondent and the consent of the Petitioner, I have permitted him to bring on record the legal heirs of the deceased Respondent/ employee forthwith.

4 In the second petition, the Respondents, namely, Vishnu Shankar Kale and Baba Bhimaji Pund have retired from service and Mahindra Laxman Shinde is still in employment.

5 In the third petition, the sole Respondent has retired from service.

6 I have considered the strenuous submissions of the learned Advocates for the respective sides. With their assistance, I have gone through the petition paper books and the impugned judgments.

7 It is apparent that there is no dispute that the Kalelkar Award applies to the Petitioner/ Zilla Parishad and the contingencies flowing from the Kalelkar Award are applicable to the daily wage workers. It is part of the Kalelkar Award that the daily wagers, who have put in five years in continuous employment with such Establishments, are required to be taken on Converted Regular Temporary Establishments (CRTE). After working for five years on CRTE, they are to be absorbed on permanent

establishments. There is also no dispute that the Kalelkar Settlement is still applicable.

8 It is equally undisputed that the deceased Respondent in the first petition was working till he passed away. There is also no dispute that the employees, who have retired during the pendency of these petitions, were working with the Petitioner till they attained the age of superannuation. In this backdrop, the rights of the Respondents/ Employees to the benefits of the Kalelkar Settlement cannot be denied and stand crystallized. As such, I do not find that the Industrial Court has committed any error in concluding that these Respondents are entitled to the benefits of the Kalelkar Settlement.

9 Considering the above, all these petitions being devoid of merit are, therefore, dismissed. Rule is discharged.

10 Needless to state, the Petitioner/ Establishment shall consider the individual cases of these Respondents strictly within the ambit of the Kalelkar Settlement and shall make benefits available to them including the employees, who have retired. Further, the Petitioner shall calculate monetary benefits that would be available to these Respondents/ Employees on the basis of the Kalelkar Settlement and shall extend the

said benefits by making necessary payments to the Respondents within a period of SIX MONTHS from today.

11 The pending Civil Applications do not survive and stand disposed of.

kps

(RAVINDRA V. GHUGE, J.)