

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.610 OF 2008

Abhiman Maroti Kale,
Age-50 years, Occu-Service,
R/o Kakade Plot, Osmanabad,
Tq. and Dist. Osmanabad

-- PETITIONER

VERSUS

1. The State of Maharashtra,
Through the Secretary,
Irrigation Department,
Mantralaya Vistar, Mumbai-32,
2. The Director,
Godawari Khore Vikas Mahamandal,
Garkheda, Aurangabad,
3. The Superintending Engineer,
Osmanabad Irrigation, Circle
Osmanabad, Tq. and Dist.
Osmanabad,
4. The Executive Engineer,
Nimna Dudhna Prakalp,
Division Sailu, Tq. Sailu,
Dist. Parbhani,
5. The Executive Engineer,
Patbandhare Survey Anveshan Division,
Osmanabad, Tq. and Dist. Osmanabad,
6. The Executive Engineer,
Majalgaon Kalva No.7,
Gangakhed, Dist. Parbhani.

-- RESPONDENTS

Mr.Arvind S.Deshmukh, Advocate for the applicant.
Mr.A.P.Chaware, Advocate for respondent Nos. 1 to 6.

(CORAM : RAVINDRA V. GHUGE, J.)

DATE : 19/08/2016

ORAL JUDGMENT :

1. The petitioner is aggrieved by the judgment dated 28/06/2006 delivered by the Labour Court thereby dismissing Complaint (ULP) No.16/2005 for being untenable in law. Similarly, the petitioner is aggrieved by the judgment dated 16/08/2007, by which his Revision (ULP) No.77/2006 has been dismissed.

2. I have considered the submissions of Mr.Deshmukh for the petitioner and Mr.Chawre, learned Advocate for respondent Nos. 1 to 6.

3. The petitioner alongwith several other co-workers had approached this Court in WP No.935/1985 challenging their termination after having worked for about 6 years or more. This Court transferred the writ petition to the Maharashtra Administrative Tribunal. By its order dated 27/03/1996, all the transfer applications were disposed of by directing the respondents/ authorities to prepare a seniority list and offer work to the workers. Consequentially, the petitioner was reinstated in 1996. He was subsequently terminated on 31/01/2003. His ULP complaint and

revision petition, as noted above, have been dismissed on the ground that he should approach the Maharashtra Administrative Tribunal.

4. The co-workers of the petitioner, who were party to the proceedings before the M.A.T., had directly approached this Court in WP No.281/2003 and were granted interim relief on 20/02/2003 by virtue of which they continued in service. Subsequently, when the petitions came up for final hearing, this Court, by its order dated 02/02/2015 disposed of the writ petitions and granted liberty to the petitioners to approach the M.A.T. Interim relief granted earlier was continued for a period of 4 (four) weeks.

5. Considering the above and the fact that the Labour Court and the Industrial Court have concluded that the complaint filed by the petitioner was not maintainable, this petition is disposed of by granting the same liberty to the petitioner as has been granted to his co-workers by the order of this Court dated 02/02/2015 in WP Nos.281/2003, 283/2003 and 428/2003. Needless to state, none of the observations made by the Labour Court or the Industrial Court with regard to the merits of the cause of action shall come in way of the petitioner. Similarly, the time spent by the petitioner before the Labour Court from 03/02/2003 till the disposal of this petition today

shall be a good ground for condonation of delay, if any. All contentions of the petitioner are kept open.

6. Rule is discharged. No costs.

(RAVINDRA V. GHUGE, J.)