

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE, BENCH AT AURANGABAD

WRIT PETITION NO.2112 OF 2016

**Ahmednagar Mahanagar Palika Ahmednagar, through its
Commissioner Vs. Tulasa Thakaram Shekatkar.**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders
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Mr.V.S.Bedre, advocate for the petitioner.

CORAM : S.V.GANGAPURWALA, J.

Date : 18.04.2016.

PER COURT :

1. Heard.

2. The learned counsel submits that the Industrial Court could not have passed the order directing the petitioner to pay the pension. The post of the Respondent was not sanctioned earlier. Considering the exceptional case, the Government has sanctioned class III and class IV post on certain terms and conditions, which the Respondent has accepted. The daily rated workers have to forego monetary benefits and accept the order as it is issued by the Government. In view of the order passed in Complaint (ULP) No.127/2002, the Respondent is not entitled for pensionary benefits.

3. I have considered the submissions of the learned counsel, so also have gone through the order passed by the Industrial Court.

4. It appears that the petitioner has also filed another Writ petition No.1823/2011, against the similar order passed by the Industrial Court in the case of similarly situated employees and this Court had dismissed the said Writ Petition, upholding the judgment of the Industrial Court, directing payment of pensionary benefits. Considering the judgment delivered in the said Writ Petition and for the reasons recorded therein, I follow the same course.

5. In light of the above, the Writ Petition is dismissed. No costs.

(S . V . GANGAPURWALA, J .)

Dt.18.04.2016.
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