

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.1621 OF 2016**

Smt. Ranjana Ganesh Harpude : **Petitioner.**
Versus
Rice Pathologist
Agricultural Research Station,
Krushi Sanshodhan Kendra Lonavala & anr. : **Respondents.**

Mrs. Anjali S Ranade for the Petitioner.

CORAM : R. M. SAVANT, J.

DATE : 16th August 2016

P.C.

1 The order dated 19/12/2011 passed by the learned Presiding Officer, III Labour Court, Pune rejecting the Reference (IDA) No.26 of 2009 is taken exception to by way of the above Petition.

2 The Petitioner was working with the Respondent No.1 which is a Research Station as a helper. It was her case that she has worked for more than 240 days and that she was orally terminated on 04/01/2001 as a result of which she raised an industrial dispute which was ultimately referred for adjudication to the Labour Court, Pune. During the adjudication of the Reference it has come on record that the Petitioner who was the 2nd party in the said Reference has worked for 13 days in the year 1986, 14 days in the year 1995, 22 ½ days in the year 1997, 11 ½ days in the year 1998, 52 ½ days in the year 1999 and 122 days in the year 2000. The last working day of the Petitioner was 02/11/2000. A decision was taken by the Respondent No.1 herein to discontinue all daily rated casual workers. It was the case of the

Respondent No.1 herein that the Petitioner was given a work as and when available and she was paid minimum wages which were applicable to the agricultural workers.

3 The Labour Court considered the aforesaid material on record and recorded a finding that the Petitioner has not worked continuously for 240 days in a calender year and that she was given work as and when available. The Labour Court therefore concluded that the Petitioner was not in continuous service of the Respondent No.1, and therefore, the provisions of Section 25-F of the Industrial Disputes Act were not applicable to the Petitioner. The Labour Court has also adverted to the fact that the Petitioner had also accepted the compensation which was paid to her and for which she had made an application (Exhibit 20). The Labour Court has observed that after giving the application (Exhibit 20) the Petitioner had gone back and had withdrawn the said application vide Exhibit 21 on account of which the Respondent No.1 had to discontinue the Petitioner.

4 In my view, in the light of the finding of fact recorded by the Labour Court as regards factum of the Petitioner not having put in 240 days in a calender year, no case for interference is made out. The above Writ Petition is accordingly dismissed.

[R.M.SAVANT, J]