

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY NAGPUR BENCH
NAGPUR.**

WRIT PETITION NO. 4850 OF 2015
WITH
CIVIL APPLICATION NO. 1066 OF 2016

Sant Gadgebaba Amravati
University, Amravati
through its Registrar,
University Campus,
Amravati, Distt. Amravati.

PETITIONER.

VERSUS

1] Naresh Rangrao Deshmukh,
aged 51 Yrs. Occu. Service,
R/o Mahavir Nagar, Badnera
Road, Amravati.

2] The State of Maharashtra
through its Secretary, Higher
& Technical Education
Department, Mantralaya,
Mumbai-32.

RESPONDENTS.

Shri J. B. Kasat, Advocate for the petitioner.
Shri S. G. Jagtap, Advocate for respondent no. 1,
Shri K. L. Dharmadhikari, Assistant Government Pleader for respondent no.2.

CORAM: A. S. CHANDURKAR J.

Dated : JUNE 14, 2016.

ORAL JUDGMENT:

This petition was admitted on 22.09.2015 and interim relief was

granted in favour of the petitioner. The respondent no.1 has filed the aforesaid civil application seeking disposal of the writ petition in the light of adjudication in Complaint (ULPN) No. 83 of 2011 with regard to a similarly placed complainant.

2] The respondent no.1 is the original complainant who had initiated proceedings for seeking permanency on the post of Junior Clerk-cum-Typist. It was the case of the respondent no.1 that he was initially appointed on 22.01.1986 and therefore he was entitled for permanency from said date. The petitioner however issued him an order of appointment dated 31.12.1996 thereby depriving him of the benefits of the permanency. The stand of the petitioner in the complaint was that the initial appointment dated 22.01.1986 was not as per the prescribed procedure. The respondent no.1 had accepted the subsequent order of appointment on 31.12.1996 and therefore his claim ought to have been considered from the said date.

3] The Industrial Court by the impugned order held the respondent no.1 entitled for the benefit of permanency from 22.01.1986 and also granted difference of arrears of salary and other benefits from said date. Being aggrieved the present writ petition has been filed.

4] Shri J. B. Kasat, the learned counsel reiterated the same contentions that were urged before the Industrial Court. According to him as the respondent no.1 had accepted the order of appointment dated 31.12.1996 he could not have claimed permanency from 22.01.1986. He also submitted that the monetary benefit could at the most have been granted

from the date of filing of the complaint.

5] Shri S. G. Jagtap, learned counsel for the respondent no.1 submitted that the complaint filed by a similarly placed employee had been allowed by the Industrial Court vide judgment dated 30.01.2016 by granting the relief of permanency. The adjudication therein had been accepted by the petitioner and therefore the respondent no.1 was entitled for similar relief. He submitted that the respondent no. 1 was entitled for permanency from 22.01.1986 along with monetary benefits.

Shri K. L. Dharmadhikari, the learned Assistant Government Pleader appears for respondent no.2.

6] I have heard the respective counsel. It could be seen that the petitioner-employer has accepted the adjudication of the Industrial Court in Complaint (ULPN) No. 83 of 2011. In said case permanency was granted from the date of the initial appointment and monetary benefits were granted from the date of filing of the complaint. Considering the fact that the respondent no.1 is similarly situated and that the petitioner has accepted said adjudication, the respondent no.1 would be entitled to identical relief. The initial appointment being from 22.01.1986 the relief of permanency has been rightly granted by the Industrial Court from said date. The only modification in the order passed by the Industrial Court is with regard to the date from which the difference of arrears of salary and other pecuniary benefits are to be granted. This date would be 10.07.2006 when the complaint was filed by the respondent no. 1.

7] In view of aforesaid the following order is passed:

The judgment dated 31.03.2015 passed by the Industrial Court in Complaint (ULPN) No. 60 of 2006 is partly modified. It is held that the respondent no. 1 is entitled for difference of arrears of salary and other pecuniary benefits from 10.07.2006. Rest of the order stands maintained. The writ petition is allowed in aforesaid terms with no order as to costs. The Civil Application also stands disposed of.

JUDGE

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