

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.4425/2014

State of Maharashtra, through its Secretary, Forest and Revenue Department,
Mantralaya, Mumbai and others

..VS..

Ratanlal s/o Sonababu Athawale and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

CORAM : Z.A.HAQ, J.

DATED : 20.7.2016.

Heard Shri H.R. Dhumale, A.G.P. for the petitioners, Shri N.R. Saboo, Advocate for the respondent Nos.1 to 20 and Ms. Hemlata Jaipurkar, A.G.P. for the respondent No.21.

The order passed by the Industrial Court allowing the complaint filed by the employees and directing the employer to regularize their services as Van Majdoor in Class IV cadre and to extend all the benefits from the date of completion of 5 years in service, is challenged.

With the assistance of the learned Advocates for the parties, I have examined the documents placed on the record of the petition. The finding of fact recorded by the Industrial Court in paragraph No.32 that the employees had been working on the establishment of the employer since 1986 onwards, is based on proper appreciation of documentary and oral evidence on record. It is recorded that the employer has neither produced the relevant record to counter the claim of the employees nor satisfactory explanation is given by the employer as to why the relevant record is not produced. It is recorded that the names of some of the employees appear in the muster roll which falsifies the

defence of the employer that the employees were engaged by Contractor and not by the employer. The Government resolution dated 3rd November, 1996 which provides that the employees who had been in continuous service of 5 years are entitled for regularization is also considered by the Industrial Court.

The learned A.G.P. appearing for the petitioners - employer has not been able to point out any perversity in the findings recorded by the Industrial Court. I see no reason to interfere with the impugned order. The writ petition is **dismissed**. In the circumstances, the parties to bear their own costs.

JUDGE

Tambaskar.

CERTIFICATE

“ I certify that this Judgment/Order uploaded is a true and correct copy of original signed Judgment/Order”.

Uploaded By : N.V. Tambaskar.
Personal Assistant.

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