

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 4768 OF 1997

Mohammed Gous Khan s/o
Mohd. Usman Khan, age 37 years,
Occ. service on Daily Wages,
House No.A.6 345, Asifia Colony,
Aurangabad.

..Petitioner

Versus

1. The State of Maharashtra

2. The Dean,
Government Medical College,
Aurangabad.

..Respondents

...
Advocate for Petitioner : Shri Ajinkya Kale h/f Shri S.B.Talekar
AGP for Respondents 1 & 2 : Shri S.P.Tiwari
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CORAM : RAVINDRA V. GHUGE, J.
Dated : January 19, 2017
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ORAL JUDGMENT :-

1. The petitioner employee, who claims to be a Sweeper working in the Medical College and Hospital, Aurangabad, is aggrieved by the impugned judgment dated 29.10.1990 delivered in Complaint (ULP) No. 121 of 1987. It is disputed that he was neither party to the said proceedings nor the impugned judgment binds him.

2. The grievance of the petitioner is that since he has been working from 10.5.1978, his rights and claims for regularization are

likely to be affected by the impugned judgment.

3. This petition was to be heard along with Writ Petition Nos.2595, 2872, 2970, 3307 and 3354 of 1991. All these petitions were disposed off by judgment dated 13.8.2010, upholding the same judgment of the Industrial Court dated 29.10.1990, which is impugned in this petition.

4. I, therefore, do not find any reason to entertain this petition keeping in view that the petitioner was not granted any interim relief while admitting this petition on 28.1.1998.

5. In my view, ends of justice would be met by disposing off this petition with liberty to the petitioner to approach an appropriate forum in the event he seeks to claim regularization in employment, in case, he has still not been regularized. The pendency of this petition would be a good ground for entertaining his claim / grievance if any.

6. This petition is, therefore, disposed off and Rule is discharged.

(RAVINDRA V. GHUGE, J.)

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akl/d