

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 2511 OF 1998

Dinkar Daulat Bagul,
Age 29 years, Occ. Service
R/o Shramjivi Mill Kamgar
Society, Market Yard,
Old Vadjai Road, Dhule.

..Petitioner

Versus

Chief Officer,
Nagarpalika, Dhule.

..Respondent

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Advocate for Petitioner : Shri Dnyaneshwar Pawar
h/f Shri K.C.Sant
Advocate for Respondent : Shri S.P.Shah

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CORAM : RAVINDRA V. GHUGE, J.
Dated: March 10, 2017
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ORAL JUDGMENT:-

1. The petitioner is aggrieved by the judgment of the Industrial Court dated 7.12.1995, by which, though his Complaint (ULP) No.57 of 1992 has been allowed, the Industrial Court has inadvertently treated the petitioner as a Peon and granted him the benefits of a Peon when he was actually working as a Clerk.

2. I have considered the submissions of the learned Advocates for the respective sides. Shri Shah strenuously supports the impugned judgment dated 7.12.1995. He contends that if the Industrial Court has inadvertently treated the petitioner as a Peon, he should have

immediately made an application for seeking correction in the judgment. Rather than filing this petition, he could have moved the Industrial Court so that the Industrial Court would have gone through the record and would have corrected its order if at all the error had occurred.

3. With the assistance of the learned Advocates, I have perused the record. In paragraph No.3A of the Complaint before the Industrial Court, the petitioner has categorically stated that he was working as a Clerk. The oral and documentary evidence placed on record is with regard to his nature of duties as a Clerk. It appears that the Industrial Court, which was dealing with Complaint (ULP) Nos. 64 65 and 66 of 1992, found that these three complainants were working as Peons. Complaint (ULP) NO.67 of 1992 filed by the petitioner could have been decided separately. As the said complaint was also taken up together along with the three complaints of Peon, the Industrial Court felt that all these complainants were working as Peons.

4. In the light of the above, this petition is partly allowed. Since it appears that the petitioner was working as a Clerk, it would be appropriate to direct the respondent to fairly reconsider and review its records and if the records of the respondent indicate that on the date of filing of the Complaint 29.1.1992 that the petitioner was

working as a Clerk, it shall accordingly correct its record and shall treat the petitioner as a Clerk keeping in view that the respondent is said to have implemented the judgment delivered by the Industrial Court in relation to all the four complainants and has not challenged the direction of permanency. He would then be entitled to appropriate service benefits.

5. Rule is made partly absolute in the above terms.

(RAVINDRA V. GHUGE, J.)

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