

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 4942 OF 1997

Murlidhar Nagorao More,
Age 28 years, Occ. at present Nil,
R/o Raneti, Post Asola,
Taluka and Dist. Parbhani.

..Petitioner

Versus

The Managing Director,
Purna Sahakari Sakhar Karkhana
Limited, Basmathnagar,
Tq. Basmath, Dist. Parbhani.

..Respondent

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Advocate for Petitioner : Shri Shantanu Udhan
h/f Shri V.D.Salunke.

Advocate for Respondent : Shri B.B.Yenge

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CORAM : RAVINDRA V. GHUGE, J.

Dated : January 19, 2017

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ORAL JUDGMENT :-

1. The petitioner / workman is aggrieved by the impugned judgment dated 28.6.1996, by which, Complaint (ULP) No.161 of 1994 (Old No.206 of 1989), has been dismissed on the ground that he could not have raised the claim under items 6 and 9 of Schedule IV of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971, in the light of the judgment of the Honourable Supreme Court in the matter of Shramik Utkarasha Sabha Vs.Raymond Woolen Mills Ltd. [1995 I CLR 607].

2. I have considered the submissions of the learned Advocates for the respective sides.

3. I find that the complaint was dismissed for the reason that he has filed his Complaint under item 6 of Schedule IV for claiming regularization and such complaint would not be maintainable in the light of the law laid down in Raymod's case (supra). Presently, as the law stands, if a recognized Union or a representative Union does not espouse the cause of a member of the Union or a workman in the establishment, he is not to be left remediless. He can put forth his grievance in the backdrop of the contentions that such a Union is not espousing his cause and injustice is being caused to him.

4. In paragraph No.11 of the impugned judgment, considering that the respondent / factory is a seasonal industry, the Industrial Court has concluded that the petitioner did not complete 190 days in continuous service in a given season, though he has pleaded that he has completed 240 days. The Industrial Court has rightly concluded that a seasonal worker will initially become seasonal permanent and a claim for permanency cannot be straight away put forth.

5. Nevertheless, in the last 20 years, if the petitioner has worked with the respondent / factory and has any grievance or claim regarding regularization as a seasonal permanent or has any other

claim, he would be at liberty to approach an appropriate forum on the basis of the events that have occurred after the impugned judgment was delivered.

6. With the above observations, this petition is disposed off and Rule is discharged.

(RAVINDRA V. GHUGE, J.)

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akl/d