

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 2940 OF 2000

- 1 The State of Maharashtra.
 Through the Deputy Director
 (now Joint Director),
 Technical Education,
 Regional Office,
 Ex. Distilleries Barrack,
 Nashik Road, Nashik.

- 2 The Principal,
 Government Polytechnic,
 Ahmednagar.

...PETITIONERS

-VERSUS-

Smt.Yogini Balvant Kulkarni,
444, Hudco Colony, Savedi Road,
Ahmednagar.

...RESPONDENT

...
AGP for Petitioners/ State : Shri N.T.Bhagat.
Advocate for Respondent : Shri Barde Parag Vijay.
...

CORAM: RAVINDRA V. GHUGE, J.

DATE :- 11th May, 2017

Oral Judgment :

1 The Petitioners are aggrieved by the judgment dated 21.02.2000 by which the Labour Court has allowed the Application (IDA) No.71/1993 filed by the Respondent under Section 33-C(2) of the

Industrial Disputes Act, 1947.

2 I have considered the strenuous submissions of the learned AGP appearing for the Petitioners/ State and the learned counsel for the Respondent/ Employee. With the assistance of the learned AGP, I have gone through the grounds set out in the memo of the petition.

3 With regard to the payment of bonus and leave encashment is concerned, the Labour Court has observed in paragraph 7 that during the pendency of the said application, the Petitioners have paid the bonus to the Respondent for the year 1992-1993. So also, leave encashment has been credited to the extent of 76 days in favour of the Respondent. These two issues did not survive when the Labour Court decided the application.

4 Insofar as the eligibility of the Respondent to annual increment is concerned, the State has issued the Government Resolution dated 24.05.2002 which is subsequent to the impugned judgment. By the said Government Resolution, temporary employees, who are in employment for more than a year and are continued as such, are held entitled for annual increment. However, an earlier Government Resolution dated 01.09.1999 indicated a similar provision and annual increments were extended to the daily wagers as like the Respondent herein.

5 Considering the above, I do not find that the impugned judgment could be termed as being perverse or erroneous.

6 By order dated 11.04.2001 while admitting this petition, this Court had stayed the benefits awarded to the Respondent for the period prior to 01.09.1999.

7 Since this Writ Petition is not being entertained, it is expected that the Petitioners would clear the legal dues of the Respondent, if still not paid, as expeditiously as possible and preferably within a period of TWELVE WEEKS from today, failing which the said amount would carry interest at the rate of 6% per annum from the date of the impugned judgment of the Labour Court.

8 This Writ Petition being devoid of merit is, therefore, dismissed. Rule is discharged.