

IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD

WRIT PETITION NO.8333 of 2015

Maruti Laxman Gaike,  
Age-61 years, Occu-Retired,  
R/o Khadambe (Bk.), Taluka Rahuri,  
Dist. Ahmednagar

-- PETITIONER

VERSUS

Mahatma Phule Agricultural University  
At Post Vidyapeeth, Taluka Rahuri,  
Dist. Ahmednagar,  
Through its Vice Chancellor

-- RESPONDENT

Mr.P.V.Barde, Advocate for the petitioner.  
Mr.P.L.Shahane, Advocate for the respondent.

( CORAM : RAVINDRA V. GHUGE, J.)

DATE : 27/01/2017

ORAL JUDGMENT :

1. Rule. Rule made returnable forthwith and heard finally by the consent of the parties.
2. The petitioner is aggrieved by the judgment and order dated 18/02/2015 by which complaint (ULP) No.44/2012 was dismissed.
3. The petitioner has raised an issue with reference to the time Bound Promotion Scheme. The petitioner was party to Complaint

(ULP) No.36/1977 which was allowed by the Industrial Court on 01/01/1979 and was granted regularization from 01/01/1979. The writ petition bearing No.1605/1987 filed by the petitioner was disposed of. Subsequently, the matter reached the Hon'ble Supreme Court in Mahatma Phule Agricultural University and others Vs. Nasik Zilha Shet Kamgar Union and others, AIR 2001 SC 3228.

4. Mr.Shahane submits that by virtue of paragraph No.14 of the judgment of the Hon'ble Apex Court, all orders passed by the various Courts granting permanency had been set aside except the award dated 01/04/1985 in Ref.(IT) No.27/1985. In paragraph No.15, it was noted that the award dated 20/02/1985 in Ref.(IT) No.48/1981 was never challenged. In paragraph No.17, the benefits of the award dated 20/02/1985 in Ref.(IT) No.48/1981 were also directed to be extended to the remaining workers on the same basis as like the award dated 01/04/1984.

5. Be that as it may, the Registrar of the respondent/University has passed an order on 28/07/1987 granting benefits of regularization from 01/01/1979 and the petitioner is shown at Sr.No.153. The difference in wages was to be calculated w.e.f. 01/01/1979.

6. In the cross-examination of the petitioner, he has admitted that he got the first benefit of the Time Bound Promotion Scheme considering his permanent service from 20/05/1983. Grievance of the petitioner is that the said benefit was not granted to him 12 years from 01/01/1979 and the same was granted after 12 years from 20/05/1983 which is 1995. The complaint in this regard was filed after 17 years.

7. In a similar case of the same Mahatma Phule Krishi Vidyapeeth, Rahuri Vs. Yamunabai Bhanudas Dhonde, WP No.666/2016, this Court, by judgment dated 29/11/2016 granted retiral benefits to Yamunabai after considering the fact that she had claimed the benefits of the said scheme after retirement and when the said scheme was already brought to an end by the GR dated 20/07/2001.

8. Considering the above and the fact that the petitioner failed to raise a grievance in 1995 or within reasonable time thereafter as against the benefits granted from 20/05/1983, I find that the complaint could not have been entertained by the Industrial Court.

9. As such, I do not find that the impugned judgment dismissing

the complaint could be termed as being perverse and erroneous. This petition, being devoid of merit, is therefore dismissed. Rule is discharged.

( RAVINDRA V. GHUGE, J.)