

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

WRIT PETITION NO.3157 OF 2015

Vishnu Yadav Adhav **... Petitioner**
Age 55 years, Occu: Service,
R/o Dhangarwadi, Jeur Bajabaiche,
Tq. & Dist. Ahmednagar

VERSUS

1. Shri Shaineshwar Devasthan
Shani Shingnapur, Post Sonai,
Taluka Newasa, Dist. Ahmednagar
Through its President.

2. The Manager, **... Respondents**
Shri Shaineshwar Devasthan
Shani Shingnapur, Post Sonai,
Taluka Newasa, Dist. Ahmednagar
Through its President.

Mr. P. V. Barde, Advocate for the petitioner,
Mr. S. D. Kotkar, , Advocate for the respondents

CORAM : K. L. WADANE, J.

RESERVED ON : 21st March, 2017

PRONOUNCED ON : 24th March, 2017

O R D E R:

1. By way of present writ petition, the petitioner is taking exception to the judgment and order dated 23.09.2014 passed by the Industrial Court, Ahmednagar dismissing Complaint (ULP) No.82/2010.

2. The petitioner joined services of the respondents Devasthan in the month of October, 1995 as

a Security Guard. In the month of January, 2002, he was promoted on the post Assistant Supervisor. According to the petitioner, there was an agreement dated 1st October, 2003 by which respondents agreed to pay wages to the employees at par with the State Government employees. Since the benefits as per the agreement were not advanced, the petitioner filed Complaint (ULP) No.82 of 2010. The Industrial Court has dismissed the said complaint. Hence the present petition.

3. I have heard Mr. P. V. Barde, the learned counsel for the petitioner and Mr. S. D. Kotkar, the learned counsel for the respondents and also perused the impugned judgment.

4. On perusal of contents in para 17 of the impugned judgment, it appears that the complainant i.e. present petitioner has adduced his evidence at Exh.U-12 and stated that he is employed by the respondent Devasthan as Security Guard. The respondent Devasthan is a trust. Various Pay Commissions are for the Government employees and he is not a Government employee. He has further deposed that at the time of settlement, he was in the employment of respondents and

he categorically admitted in the following words:

"It is true to say that the pay scale of the complainant on the post of Security Guard are fixed as per the settlement. It is true to say that he is getting the pay scale as per the settlement. It is true to say that as stated in the settlement, all allowances are paid to the Security Guards. It is true to say that he is getting the pay scales as per the settlement. It is true to say that as stated in the settlement, all allowances are paid to the Security Guards. I have no dispute regarding wage and allowances against the respondent."

5. In view of the aforesaid clear admissions of the petitioner, I do not think it necessary to look into the other aspects or the evidence. The learned Member, Industrial Court has rightly dismissed the Complaint. No interference is called for. Writ petition is dismissed. No costs.

(K. L. WADANE, J.)

JPC