

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**APPELLATE SIDE CIVIL JURISDICTION**  
**WRIT PETITION NO. 11201 OF 2017**

Government Polytechnic, Thane and others ... Petitioners

Versus

Rajbir Nathilal Guderiya ... Respondent

Mr. Sachin Kankal, AGP, for the Petitioners.

Mr. Amardev Uniyal for the Respondent.

**CORAM : S.J. KATHAWALLA, J.**  
**DATED : 6<sup>th</sup> NOVEMBER, 2017**

**P.C.:**

1. On 21<sup>st</sup> December, 2016, the Member, Industrial Court, Thane in Complaint (ULP) No. 181 of 2014 passed the following order :-

*“1. The complaint is partly allowed.*

*2. It is declared that the Respondents have engaged in unfair labour practice under item 6 and 9 of Schedule IV of the MRTU and PULP ACT, 1971, and they are directed to cease and desist from the same.*

*3. The respondents are directed to send proposal to the Government within a period of three months, either to sanction or restoration of the post of sweeper in the Respondent No.1 establishment and to take necessary steps to get it sanctioned.*

*4. The Respondents are further directed to grant permanency to the complainant upon receipt of sanction from the Government from the year 2004.*

*5. The Respondents are directed to grant difference of salary after granting permanency to the complainant, but the same is to be granted from the date of filing the complaint.*

*6. The Respondents are further directed to continue the complainant till*

*he is granted benefits of permanency and to pay him salary as per Minimum Wages Act.*

7. *No order as to costs.”*

2. The Government has declined to give sanction for reasons set out in their letter dated 30<sup>th</sup> October, 2017. In view thereof, the Petitioner is left with no other option, but to impugn the order dated 30th October, 2017 declining sanction by the Government, if so advised. To enable the Petitioner to impugn the said order and obtain necessary directions, the Respondent shall continue the complainant in service and pay him salary as per the Minimum Wages Act for a period of four weeks from today. If the order dated 30th October, 2017, passed by the Government is impugned, the same shall be decided on merits. The above Writ Petition is accordingly disposed off.

( S.J.KATHAWALLA, J. )