

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

WRIT PETITION NO. 4132 OF 2004

GODAWARI MARATHWADA PATBANDHARE VIKAS
MAHAMANDAL, THROUGH THE EXECUTIVE ENGINEER,
AHMEDNAGAR IRRIGATION DIVISION, AHMEDNAGAR
VERSUS
SURESH NANA PATARE

...

Advocate for Petitioner : Shri T. B. Bhosale

Advocate for Respondent : Shri P. V. Barde

...

CORAM : RAVINDRA V. GHUGE, J.

DATED : 11th May, 2018.

....

ORAL JUDGMENT :-

1. The petitioner Department is aggrieved by the judgment and award dated 14/06/2001 delivered by the Labour Court by which, Reference (IDA) No. 15/1995 instituted by the respondent has been allowed and he has been granted reinstatement in service with continuity from 05/10/1987 without back wages.

2. When this petition was admitted by this Court on 05/10/2004, interim relief was refused to the petitioner.

3. Learned advocate for the petitioner Shri Bhosale strenuously submits that the impugned award is perverse and erroneous. It is only because of misplaced sympathy shown by

the Labour Court towards the respondent that the reference was allowed. He refers to the chart prepared by the petitioner at page 16 which was produced before the Labour Court in the reference proceedings. He submits that the exact days of work alongwith dates and the muster number have been submitted in the chart signed by the Assistant Engineer (Class-1), Sub-Division, Wadala, Taluka Shrirampur which indicates that the respondent worked for only 180 days intermittently in between 21/01/1986 till 06/12/1986 and for 127 days in between dated 10/01/1987 to 26/09/1987.

4. Learned advocate for the respondent places on record two orders passed by this Court on 14/08/2015 in *Writ Petition No. 917/2008 in between the Executive Engineer Versus Suresh Nana Patare* (present respondent) and in *Writ Petition No. 4575/2014 in between Suresh Nana Patare Versus The State of Maharashtra and others*. It is pointed out that the learned AGP had relied upon an affidavit-in-reply filed by Shri Ganesh Rajaram Admankar, Assistant Executive Engineer Grade-1, Deolali Sub Division, Deolali Pravara DEO, Taluka Rahuri, District Ahmednagar. In paragraph Nos. 3 and 4 of the said affidavit dated 04/08/2015, the Department declared that all

those employees who were engaged by the respondents have been considered and some of them have been granted the benefits of regularization. Suresh Nana Patare would be entitled for getting benefits of permanency as per the G.R. dated 24/04/2001 and his proposal has been submitted for consideration. Shri Barde, therefore, submits that both the petitions referred to above were disposed of by the order dated 14/08/2015. As such, the same respondent herein is being considered by the Government and this petition is rendered infructuous.

5. I find that the case of the respondent Suresh Nana Patare is being considered by the Government in accordance with the G.R. dated 24/04/2001 and since he has already been reinstated as per the directions of the Labour Court, as this Court had refused interim relief, this petition is rendered infructuous and stands disposed of.

6. Rule is discharged.

(RAVINDRA V. GHUGE, J.)

shp/-