

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

WRIT PETITION NO.1754 OF 2010

1. Zilla Parishad, Nanded,
through it's
Chief Executive Officer ..Petitioner

Vs.

1. Maharashtra State Sarvajanic
Bandhakam Karmachari Sangh,
Main Office, Thane,
through it's District President,
Branch at Nanded,
r/o. Patbandhare Vasahat,
Chaitanya Nagar, Nanded
2. The State of Maharashtra,
Through Principal Secretary,
Rural Water Supply and
Sanitation Department,
Mantralaya, Mumbai – 32 ..Respondents

Mr.S.G.Sangle, Advocate for petitioner

Mr.Vivek Dhage, Advocate for respondent no.1

Mr.P.N.Kutti, AGP for respondent no.2

AND

WRIT PETITION NO.2747 OF 2010

1. Zilla Parishad, Nanded,
through it's
Chief Executive Officer ..Petitioner

Vs.

1. Sambhaji s/o. Laxman Waghmare,
Age : 48 years, Occ. Service,
r/o. Sambhaji Nagar,
Jai Kedarnath Chowk, Hadgaon,
Tq. Hadgaon, Dist. Nanded
2. The State of Maharashtra,
Through Principal Secretary,
Rural Water Supply and
Sanitation Department,
Mantralaya, Mumbai – 32 ..Respondents

Mr.S.G.Sangle, Advocate for petitioner

Mr.P.N.Kutti, AGP for respondent no.2

**AND
WRIT PETITION NO.3930 OF 2011
WITH
CIVIL APPLICATION NO.12257 OF 2013**

1. Zilla Parishad, Nanded,
through it's
Chief Executive Officer ..Petitioner

Vs.

1. Bhujang s/o. Shankar Silewar,
Age : Major, Occ. Service,
r/o. Malkoutha, Tq. Mukhed,
Dist. Nanded
2. The Chief Secretary,
Ministry of Rural Development,
Government of Maharashtra,
Mantralaya, Mumbai – 32 ..Respondents

Mr.S.G.Sangle, Advocate for petitioner

Mr.Vivek Dhage, Advocate for respondent no.1

Mr.P.N.Kutti, AGP for respondent no.2

AND

WRIT PETITION NO.5928 OF 2011

WITH

CIVIL APPLICATION NO.12255 OF 2013

1. Zilla Parishad, Nanded,
through it's
Chief Executive Officer ..Petitioner

Vs.

1. Kewala s/o. Chandar Rathod,
Age : 40 years, Occ. Service,
r/o. Chikala Tanda,
Tq. Mukhed, Dist. Nanded
2. The Principal Secretary,
Rural Development Department,
Mantralaya, Mumbai – 32 ..Respondents

Mr.S.G.Sangle, Advocate for petitioner

Mr.Vivek Dhage, Advocate for respondent no.1

Mr.P.N.Kutti, AGP for respondent no.2

AND
WRIT PETITION NO.6870 OF 2011
WITH
CIVIL APPLICATION NO.12256 OF 2013

1. Zilla Parishad, Nanded,
through it's
Chief Executive Officer ..Petitioner

Vs.

1. Maroti s/o. Virbaji Ambore,
Age : Major, Occ. Service,
r/o. Hanuman Ghad, Nanded
2. The Chief Secretary,
Ministry of Rural Development,
Government of Maharashtra,
Mantralaya, Mumbai – 32 ..Respondents

Mr.S.G.Sangle, Advocate for petitioner
Mr.Vivek Dhage, Advocate for respondent no.1
Mr.P.N.Kutti, AGP for respondent no.2

CORAM : RAVINDRA V. GHUGE, J.
DATE : MAY 10, 2018

ORAL JUDGMENT :

1. I have heard the learned Counsel for the respondents, at length.

2. The facts of these cases are similar to the facts emerging in Writ Petition No.2617 of 2008,

which has been decided by this Court by judgment dated 08.05.2018.

3. Though Mr.Sangle, learned Counsel for the Zilla Parishad (petitioners herein) strenuously tried to distinguish from the view taken in the judgment dated 08.05.2018 in Writ Petition No.2617 of 2008, I do not find that there are any distinguishing factors, which would convince me to take a different view in these cases.

4. It is needless to mention that the judgment dated 08.05.2018 is based on a judgment delivered by the Division Bench of this Court in the matter of **Sudhakar Gangaram Gunjatkar, President of Zilla Parishad Pani Puravatha Karmachari Sanghatana, in Writ Petition No. 2883 of 1992** and in the matter of **Zilla Parishad, Aurangabad Vs. State and ors., in Writ Petition Nos.6666 of 2006 and 3385 of 2016 decided on 18.11.2016.** It is informed that the said

judgment dated 18.11.2016 has been sustained by the Hon'ble Apex Court by its order dated 16.03.2018.

5. Considering the above, for the reasons set out in the judgment dated 08.05.2018 delivered in Writ Petition No.2617 of 2008, these petitions stand disposed of. Rule is discharged.

6. Needless to state that the directions issued in the said judgment dated 08.05.2018 in Writ Petition No.2617 of 2008, would also apply to the cases of these respondents

IN CIVIL APPLICATIONS :

7. The learned Counsel for the applicants - Zilla Parishad submits that Criminal U.L.P. cases under Section 48(1) of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971 (for short, "M.R.T.U. and P.U.L.P. Act"), have been initiated by the employees/respondents these in Writ Petitions. The learned

Counsel, therefore, makes a request that since this Court has consistently taken a view as regards the implementation of the Kalelkar Award, the case of the respondents herein would be considered by the Government. As such, the directions already issued by this Court in its judgment dated 08.05.2018, would be implemented. He submits that until then, the Criminal Complaints may be stayed.

8. Mr.Dhage, the learned Counsel for the respondents, in the pending Civil Applications, strenuously opposed the said request.

9. I am of the view that when effective directions have been issued in the judgment dated 08.05.2018 passed in Writ Petition No.2617 of 2008, and the Zilla Parishad, Nanded, has already taken up the cases of such litigating workers for grant of benefits under the 'Kalelkar settlement', it would serve no purpose by prosecuting the Criminal Cases, for the present.

10. As such, since same directions, as set out in the judgment dated 08.05.2018, are made applicable to these cases, the Criminal ULP complaints filed by the respondents would stand stayed for a period of six months from today, so as to enable the Government to do the needful.

11. The pending Civil Applications stand disposed of.

[RAVINDRA V. GHUGE, J.]

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