

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

WRIT PETITION NO. 4792 OF 2004

1. Godavari Marathwada Irrigation
Development Corporation Ltd.
Through Executive Engineer
Upper Pravara Canal Division,
Sangamner, Ghulewadi, Tq.
Sangamner, Dist. Ahmednagar.
2. The Superintending Engineer,
Ahmednagar Irrigation Circle,
Nagar-Aurangabad Road,
Ahmednagar.
3. The Sub-Divisional Engineer,
Upper Pravara Canal Division,
Sub-Divi. No. 2, Akole, Dist.
Ahmednagar.

... **Petitioners.**

VERSUS

Sushilabai w/o Malhari Rupawate,
Age 60 years, Occupation Nil,
R/o. Yawalewadi, Tq. Akole,
Dist. Ahmednagar.

... **Respondent.**

...

Mr. S. G. Sangale, learned advocate for petitioners.
Mr. A.S. Shelke, learned advocate for sole respondent.

CORAM : RAVINDRA V. GHUGE, J.

DATE : 11th May, 2018

JUDGMENT :

1. The petitioner Godavari Marathwada Irrigation
Development Corporation, is aggrieved by the judgment and order
dated 16.09.2003 delivered by the Industrial Court, Ahmednagar, by
which Complaint (ULP) No. 85/1996 is allowed and the petitioner is

directed to take the respondent/original complainant on converted regular temporary establishment (CRTE) from 11.03.2006 as a labourer in Class-IV category and grant him consequential benefits.

2. When this petition was admitted by this Court on 03.08.2004, interim relief was refused. Learned advocate for the sole respondent submits that she was 60 years of age when this petition was filed and she has already attained the age of superannuation. She must be about 74 years of age today.

3. I have considered the strenuous submission of Mr. Sangale, learned advocate for the petitioners and Mr. Shelke, learned advocate, on behalf of respondent/workman. There is no dispute that the Kalelkar settlement is applicable to the petitioners' establishment. It is well settled that a daily rated worker who is governed by the Kalelkar settlement, is required to work for five consecutive years though he is not required to complete 240 days in continuous employment in each calendar year. The learned Division Bench of this Court has also settled the issue as regards the applicability of the Kalelkar settlement and Bhole Commission recommendations in its judgment dated 03.02.2016 in Writ Petition No. 5324/2009 in the matter of Akhil Marathwada Zilla Parishad Kamgar Union V/s. State of Maharashtra and others.

4. The State of Maharashtra has introduced two government

resolutions dated 10.07.1974 and 24.04.2001 with regard to the applicability of the Kalelkar settlement with retrospective effect to the daily rated employees. The scheme is in place. This Court, by judgment delivered on 18.11.2016 in Writ Petition No. 6666/2006 has concluded that the Kalelkar settlement will make certain benefits available to such daily rated workers. After completion of five years in service, they are taken on CRTE and five years thereafter, they are taken on regular establishment. The Hon'ble Apex Court by its order dated 16.03.2018 delivered in Special Leave to Appeal No. 7303-7304 of 2016, has sustained the judgment of this Court dated 18.11.2016.

5. In the light of the above, the direction of the Industrial Court is slightly modified in terms of the settled position of Law and the respondent would be entitled to the benefits of the Kalelkar settlement after completion of five years continuous service.

6. This petition is disposed of. Rule is discharged.

7. The record and proceedings received from the Industrial Court, Ahmednagar be returned forthwith.

(RAVINDRA V. GHUGE, J.)

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