

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

**LETTERS PATENT APPEAL NO. 3 OF 2018
IN
WRIT PETITION NO. 8618 OF 2005**

1. Rangnath S/o. Nana Pathare,
Age 47 years, Occu. Nil,
R/o. Chas, Tq. Nagar,
Dist. Ahmednagar.
2. Gitaram S/o. Umaji Kale,
Age 41 years, Occu. Nil,
R/o. Chas, Tq. Nagar,
Dist. Ahmednagar.
3. Balasaheb S/o. Vishwanath Karle,
Age 42 years, Occu. Nil,
R/o. Chas, Tq. Nagar,
Dist. Ahmednagar.

Appellants
.. (Original Petitioners)

VERSUS

1. The Director,
Ground Water Survey & Development
Scheme, P.M.T. Building, Swargate,
Pune – 37.
2. The Deputy Director,
Ground Water Survey & Development
Scheme, Nasik Division, Nasik -7.
3. The Senior Geologist,
Ground Water Survey & Development
Scheme, Ahmednagar Office,
Ahmednagar.

Respondents
.. (Original Respondents)

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Mr. P.P. Shahane, Advocate h/f. Mr. P.L. Shahane, Advocate for appellants

Mr. S.N. Morampalle, AGP for respondents

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**CORAM : SUNIL. P. DESHMUKH &
K. K. SONAWANE, JJ.**

DATED : 30th OCTOBER, 2018.

JUDGMENT (Per : Sunil P. Deshmukh, J.)

1. Heard learned counsel for appearing parties.
2. Succinctly referred to, the case of appellants is, while the record of having completed 240 days in respect of daily wagers would in normal course, be in possession of employer and the same despite notice, having not been produced, as such, adverse inference needs to be drawn. For said purpose, learned counsel for appellants purports to refer to decision in the case of *Director, Fisheries Terminal Division Versus Bhikubhai Meghajibhai Chavda* reported in *AIR 2009 SC 1237*.
3. Although this being the submission, Industrial Court as well as learned Single Judge of High Court have taken into account that having regard to the pernicious consequences to which the directions of regularizations of workmen on the only ground that they have put in more than 240 days has been leading. Industrial Court has taken into account the decision of Supreme Court in the case of *Delhi Development Horticulture Employees Union Versus Delhi Administration* reported in 1992 (I) CLR 537 and observation to aforesaid effect therein as well as several other decisions governing the area.

4. The learned Single Judge of this Court as well, has taken into account reasons given by the Industrial Court and found that there is nothing on record to arrive at conclusion that the procedure in respect of appointment in government department has been followed. The entry of employee in service itself is not by proper mode. In view of aforesaid, learned Single Judge, in addition to aforesaid reasons, in its discretion, had not interfered with order passed by the Industrial Court.

5. No fault, with reasons which have weighed with the Industrial Court as well as learned Single Judge of this Court in his discretionary powers, can be found.

6. Letters Patent Appeal is, therefore, not entertained and is dismissed.

(K. K. SONAWANE, J.)

(SUNIL P. DESHMUKH, J.)

MTK.