

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

WRIT PETITION NO. 532 OF 2017

- 1 Chief Executive Officer,
Zilla Parishad, Jalgaon,
Taluka and District Jalgaon.
- 2 Sub Divisional Engineer,
Water Supply Sub Division,
Zilla Parishad, Jalgaon.

...PETITIONERS

-VERSUS-

- 1 Madhukar Sadashiv Koli,
Age : 61 years, Occupation : Nil,
R/o At Post Bhadli,
Taluka and District Jalgaon.
- 2 Water Supply Department,
Government of Maharashtra.

...RESPONDENTS

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Advocates for the Petitioners : Shri Goyanka M.K. and Shri Manoj Shinde.
Advocate for Respondent No.1 : Shri Vinod Prakash Patil.
AGP for Respondent 2 : Shri B.A.Shinde.

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 13th August, 2018

Oral Judgment :

- 1 Rule. Rule made returnable forthwith and heard finally by the
consent of the parties.

2 On 16.01.2017, while issuing notices to the Respondents, I
had passed the following order :-

- "1. *The petitioners are aggrieved by the judgment of the Industrial Court dated 5.12.2015, by which, Complaint (ULP) No.14 of 2014 has been allowed and respondent No.1 has been granted the relief of regularization as a permanent employee along with the monetary benefits as per the recommendations of the V and VI Pay Commissions and all ancillary service benefits.*
2. *It is strenuously submitted that the respondent 1 employee / original complainant was working as a Labourer in the Water Supply Department. His duty was to control and supply the water to different Gram Panchayats, as per the schedule prepared. From 1976 to 1989 his services were assigned for the Gram Panchayat and on 5.5.1989, he was transferred to the Zilla Parishad. As such, the Industrial Court could not have granted him the benefits of regularization and monetary benefits pursuant to his superannuation.*
3. *I find that this Court has earlier dealt with Writ Petition No.7353 of 2014 and had directed the Secretary, Water Supply Department, Government of Maharashtra to take a decision in the matter of similarly situated workers. A further order was passed by the learned Division Bench of this Court, dated 15.11.2006, in Writ Petition No.4332 of 2006, by which, similar directions were issued in favour of the Maharashtra Jal Seva Karmachari Mahasangh, representing all such employees. The proposal with regard to such employees, including respondent No.1 is still pending for the last about 11 years.*
4. *The petitioners now submit that respondent No.1 has moved a Criminal Complaint under Section 48(1) of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971, before the Labour Court, Jalgaon and the Executive Engineer of the concerned department is required to remain present before the Court.*

5. *Considering the directions of the learned Division Bench in the aforesaid two petitions, prima facie, I do not find that the impugned judgment could be termed as being perverse. However, I am issuing notice to the respondents only to assess as to whether the proposal forwarded about 11 years ago has been decided by the concerned department or not.*
6. *Issue notice to the respondents, returnable on 15.2.2017. Learned AGP waives service for respondent No.2. Hamdast granted to serve respondent No.1. Copy of the petition paper book shall be supplied on/or before 20.1.2017.*
7. *It is made clear that the Criminal (ULP) pending before the Labour Court has not been stayed by this Court and for the present, no interim relief is granted."*

3 I have heard the learned Advocates for the respective sides at length.

4 In a practically identical situation involving the Water Supply Department of the Zilla Parishad, Jalgaon, this Court has delivered a judgment on 14.06.2018 in Writ Petition No.2699/2003 and group of cases in the matters of ***Chief Executive Officer, Zilla Parishad, Jalgaon vs. Dayaram Shankar Jadhav and others***. The case of Respondent No.1 herein, namely, Madhukar Koli is covered by the said judgment in Writ Petition No.2731/2003 decided along with Writ Petition No.2699/2003.

5 It is pointed out that there are two proceedings involving Madhukar Koli for the reason that he had preferred Complaint (ULP) No.2302/2000 before the Industrial Court for seeking regularization and

benefits incidental thereto and he moved Complaint (ULP) No.14/2014 (present proceedings) for seeking certain arrears of salary and retiral benefits as he attained the age of superannuation in 2014.

6 In my view, considering the directions set out in the judgment dated 14.06.2018, all the grievances of Madhukar Koli would be considered as per the said directions. Considering the same, the impugned judgment dated 05.12.2015 shall merge in the judgment of this Court dated 14.06.2018. Consequentially, this Writ Petition stands disposed of.

7 The competent department of the State Government shall ensure that the grievances of Madhukar Koli are redressed in terms of the directions of this Court in the judgment dated 14.06.2018 and if there are any pensionary/ retiral/ gratuity benefits admissible to Madhukar Koli, same shall, accordingly, be paid to him after the competent authority takes a decision on the said proposal, which is stated to have been already submitted to the competent authority.

8 Rule is, therefore, discharged.

9 Considering the above, Criminal Complaint (ULP) No.3/2016 pending before the Labour Court, Jalgaon shall stand disposed of as being infructuous and the Labour Court shall, accordingly, pass necessary orders.