

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

WRIT PETITION NO. 7442 OF 2018

Jabaji Rangnath Wagh

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Shri A. D. Sugdare, Advocate for the Petitioner.

Shri K. N. Lokhande, A.G.P. for Respondent Nos. 1 to 4.

**CORAM : S. V. GANGAPURWALA AND
R. G. AVACHAT, JJ.**

DATE : 15TH OCTOBER, 2018.

FINAL ORDER :

. Mr. Sugdare, the learned counsel for the petitioner submits that, the present issue is covered under judgment of this Court dated 06.06.2018 in Writ Petition No. 539 of 2017. The complaint ULP filed by the petitioner bearing No. 327 of 1989 and complaint ULP in Writ Petition No. 539 of 2017 were decided under common judgment by the Industrial Court Ahmednagar.

2. The learned Assistant Government Pleader on going through the judgment dated 06th June, 2018 in Writ Petition No. 539 of 2017 accedes to the said fact.

3. In view of the above, we adopt the same recourse and pass the similar order.

4. It is not disputed that in this matter, the petitioner had approached the Industrial Court by filing complaint ULP. The said complaint is allowed and Industrial Court directed the present respondent/State to accord the complainant/petitioner herein status and privileges of permanency and consequential benefits from the date of filing of complaint. As the pensionary benefits are not being accorded, one of such complainant filed writ petitions bearing Writ Petition No. 2946 of 1997, Writ Petition No. 2236 of 1997 and Writ Petition No. 2246 of 1997. The Division Bench of this Court partly allowed the said petitions and passed the following order.

1. In view of the Judgment and Order dated 08th April, 1997 passed by the learned Industrial Court, Solapur, for the purpose of considering the grant of pensionary benefits, the Petitioners shall be treated as Permanent Employees with effect from 01st October, 1988 till the respective dates of superannuation.

2. In case of the Petitioners who were already superannuated, it will be open for them to make a representation to the concerned Authorities for grant of pensionary benefits.

3. If such representation is made, same shall be

decided as expeditiously as possible and preferably within a period of four months from the date on which the representations are made.

4. We make it clear that, apart from issuing directions regarding the date of permanent employment of the respective Petitioners, we have not examined the case of the Petitioners as regards the eligibility of pensionary benefits.

5. Rule is made partly absolute on both terms with no order as to costs.

5. The Special Leave Petition filed against the said judgment and order is also dismissed. In the light of that, we adopt the same course as adopted by this Court in the above said writ petitions and pass the following order.

1. In view of the Judgment and Order dated 29.12.1994 passed by the learned Industrial Court, Ahmednagar, for the purpose of considering the grant of pensionary benefits, the Petitioner shall be treated as Permanent Employee with effect from the date of his complaint i. e. from the date of filing of his complaint ULPs till the respective dates of superannuation.

2. In case of the Petitioner who was already superannuated, it will be open for him to make a representation to the concerned Authorities for grant of pensionary benefits.

3. If such a representation is made, same shall be decided as expeditiously as possible and preferably within a period of four months from the

date on which the representation is made.

4. We make it clear that, apart from issuing directions regarding the date of permanent employment of the Petitioner, we have not examined the case of the Petitioner as regards the eligibility of pensionary benefits.

5. The impugned judgment of the Tribunal is modified in above terms.

6. The writ petition is disposed of. No costs.

[R. G. AVACHAT, J.]

[S. V. GANGAPURWALA, J.]

bsb/Oct. 18