

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

WRIT PETITION NO. 14543 OF 2017

Shri Dilip Kumar Pandhariath
Bhole

.. Petitioner

Versus

The Union of India,
through the General Manager,
Central Railway, CSTM,
Mumbai and anr.

.. Respondents

Mr P.S. Gaikwad, Advocate for petitioner
Mr M.N. Navandar, Advocate for respondents

**CORAM : S.V. GANGAPURWALA &
A.M. DHAVAL, JJ**

DATE : 3rd April 2018

PER COURT

1. Mr Gaikwad, learned Counsel for the petitioner submits that the Tribunal has failed to consider the case put forth by the petitioner in its correct perspective. The certificate issued by the Senior Sectional Engineer dated 1.2.1999 clearly shows that the petitioner has worked for 399 days and the respondent has introduced scheme in 1998 to the effect that those who have worked more than 120 days shall be regularised. Learned Counsel submits that there is no doubt about in the certificate issued by the Senior Sectional Engineer. The respondents do not possess any record. As the respondents could not bring any record before the Court, the certificate produced by the petitioner ought to have been relied upon. The similarly situated employees have been granted regularisation in the year 2010. The petitioner is similarly situated. He is being discriminated. Even, the second class free pass is disbelieved only on the ground that there is

mistake in the date. The petitioner has tendered his explanation to that effect, however, the same has not been considered.

2. Learned Counsel Mr Navandar supports the order.

3. The Tribunal has threadbare considered the case put forth by the petitioner. Respondents have come with a case that the record with them shows that the petitioner had worked for only 108 days and not 339 days as claimed in the service certificate. The authenticity of the service certificate could not be proved before the Tribunal. The Tribunal has discussed the anomaly in the second class free pass, which are normally issued to such employees. Anomalies in that regard are discussed in detailed by the Tribunal.

4. The Tribunal, after considering all the relevant aspects of the matter, including the card produced by the petitioner and the date and time, when the card or the free pass was issued has negated the contention of the petitioner.

5. The Tribunal has come at a reasonable conclusion. In view of that, no case is made out for interference.

6. Writ Petition is dismissed. No costs.

(A.M. DHAVAL, J.)

(S.V. GANGAPURWALA, J.)

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