

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

WRIT PETITION NO. 2619 OF 2018

SANJAY SADASHIV KULKARNI
VERSUS
THE CHIEF OFFICER, MUNICIPAL COUNCIL, PACHORA.

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Advocate for the Petitioner : Shri Awasarmol Rahul O..
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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 12th March, 2018

Per Court:

1 The Petitioner is aggrieved by the judgment of the Industrial Court dated 01.08.2017 by which, Complaint (ULP) No.30/2016 has been rejected.

2 The Petitioner claims to have not been paid wages admissible to a Peon from 01.01.1986 to 01.12.1995. He contends that his claim for difference of wages rests on the judgment of the Industrial Court dated 06.03.2002 by which, his original Complaint (ULP) No.132/1996 was partly allowed and he was declared to be already in the permanent service of the Municipal Council as a Peon. He, thereafter, moved the Application (IDA) No.7/2009 under Section 33-C(2) of the Industrial Disputes Act, 1947 for claiming difference of wages admissible to a Peon working on a

confirmed post. By the judgment dated 21.05.2014, the Labour Court rejected the said application.

3 This Court, by order dated 07.09.2015, dismissed Writ Petition No.9721/2014 filed by the Petitioner concluding that the Labour Court has adjudicated upon the said claim of the Petitioner and there was no evidence before the Labour Court to indicate that the Petitioner was working as a Peon and not as a Sweeper for the period 01.01.1986 to 01.12.1995. It was, however, observed in paragraph 14 that in the event, the Petitioner has any grievance that though he was appointed as a Peon, but the salary was paid of a Sweeper, he could resort to available remedies.

4 The learned Advocate for the Petitioner submits that he has interpreted the above order of this Court to mean that for the same period 01.01.1986 to 01.12.1995, he could once again raise the same grievance and make the same prayers.

5 I find that the Petitioner's understanding of the said order is fallacious. What was meant in paragraph 14 is that the earlier issue has been put to rest by the earlier judgment. The liberty by the judgment of this Court was that if he would still have a further grievance with regard to his working as a Peon and drawing salary of a Sweeper, he may resort to available remedies. This does not mean that he would be once again at liberty to file a complaint before the Industrial Court and claim the same

reliefs.

6 In the light of the above, I do not find that the impugned order could be termed as being perverse or erroneous. This Writ Petition being devoid of merit is, therefore, dismissed.

kps

(RAVINDRA V. GHUGE, J.)