

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

WRIT PETITION NO. 14319 OF 2017

THE AGRICULTURE PRODUCE MARKET COMMITTEE JALNA THROUGH
ITS SECRETARY G B CHOUGULE.

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for the Petitioner : Shri PR.Katneshwarkar and Shri Bhosle Pratik
A..

AGP for Respondent 1 : Shri S.R.Yadav.

Advocate for Respondent 2 : Shri T.K.Prabhakaran.

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 25th July, 2018

Per Court:

1 This matter has been extensively heard on 03.07.2018,
17.07.2018 and today.

2 After noting the marathon submissions of the litigating sides,
after perusing the record available and the original service books tendered
before the Court by the Petitioner with reference to Shri Bhagwan S.
Deshmukh, Shri Kailas B. Unage, Shri Bhagwan A. Shinde and original
Complainant Shri Suresh U. Jige and on going through the compilation
tendered on behalf of the original Complainant, the learned Advocates
appearing for the respective sides submit, on instructions, that both the

litigating sides desire to put an end to this litigation before this Court.

3 In the light of the above and considering the lacuna in the oral and documentary evidence adduced by the Petitioner/ Management before the Industrial Court and taking into account the order of this Court dated 23.08.2016 in Writ Petition No.8002/2015 by which, the proceedings were once again remitted to the Industrial Court, this dispute is being settled as a special case without laying down any precedent and shall not be cited in any proceedings before any court, tribunal or authority.

4 Considering that Shri Narayan T. Shirsath and Shri Prabhakar R. Tekale having been promoted through 25% quota w.e.f. 21.06.1997 and 01.07.1998, respectively, the original Complainant Shri Jige will be placed immediately below Shri Prabhakar Tekale in the seniority list without affecting the seniority of other persons.

5 The original Complainant Shri Jige, present in the Court, agrees for the deemed date of regularization in service as a Junior Clerk w.e.f. 01.01.2000 and monetary benefits w.e.f. the said date. The Petitioner APMC is agreeable.

6 The Petitioner/ APMC would calculate the monetary benefits of the original Complainant w.e.f. 01.01.2000 and shall endeavour to disburse the said amount to him within 12 weeks from today.

7 The proposal for disbursement of such monetary benefits of

the original Complainant shall be tendered by the Petitioner/ APMC to the competent authority / Deputy Registrar, Cooperative Societies, Jalna within three weeks from today and the said competent authority shall act on the said proposal within three weeks thereafter.

8 The Petitioner/ APMC and Respondent No.1/ State of Maharashtra through the Department of Cooperation, Marketing and Textile shall be bound by this order and shall act accordingly.

9 All grievances of the original Complainant stand redressed in view of the above and he shall be precluded from raising any dispute or claim in relation to the grievances that he had put forth in Complaint (ULP) No.214/2009.

10 The impugned judgment of the Industrial Court dated 31.03.2017 to the extent of clause D below paragraph 27 shall stand modified in terms of the above conditions.

11 This Writ Petition is disposed of in the above terms.

12 While parting, it needs mentioned that Shri Pratik Bhosle, learned Advocate, assisting Shri P.R.Katneshwarkar, learned Advocate appearing on behalf of the Petitioner/ APMC, has efficiently marshaled the facts of the case and has ably assisted his senior in this petition.