psv

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

LETTERS PATENT APPEAL (ST.) NO.536 OF 2012
IN
WRIT PETITION NO.2360 OF 2002
WITH
CIVIL APPLICATION NO.89 OF 2018

The Conservator of Forests, Pune & Anr. ...Appellants
Vs.
Smt. Madina Bashir Sheikh ...Respondent

WITH
LETTERS PATENT APPEAL (ST.) NO.17162 OF 2011
WITH
CIVIL APPLICATION NO.87 OF 2018

The State of Maharashtra & Ors. ...Appellants
Vs.
Kaluram Raghu Bazare ...Respondent

WITH
LETTERS PATENT APPEAL (ST.) NO.17165 OF 2011
WITH
CIVIL APPLICATION NO.88 OF 2018

The Conservator of Forests, Pune & Anr. ...Appellants
Vs.
Vitthal Baburao Bhujbal ...Respondent

WITH
LETTERS PATENT APPEAL (ST.) NO.17168 OF 2011
WITH
CIVIL APPLICATION NO.90 OF 2018

The Conservator of Forests & Anr. ...Appellants
Vs.
Jayant Purushottam Joshi ...Respondent

WITH
LETTERS PATENT APPEAL (ST.) NO.17193 OF 2011
WITH
CIVIL APPLICATION NO.91 OF 2018

The Conservator of Forests & Anr. ...Appellants
Vs.
Ananda Shyamrao Hargude & Ors. ...Respondents

WITH
LETTERS PATENT APPEAL (ST.) NO.17197 OF 2011
WITH
CIVIL APPLICATION NO.92 OF 2018

The Chief Conservator of Forests & Anr. ...Appellants
Vs.
Vitthal Dhavaji Dhabhade & Ors. ...Respondents

WITH
LETTERS PATENT APPEAL (ST.) NO.17202 OF 2011
WITH
CIVIL APPLICATION NO.93 OF 2018

The State of Maharashtra & Ors. ...Appellants
Vs.
Dhondiba Ahilu Tathale ...Respondent

WITH
LETTERS PATENT APPEAL (ST.) NO.17206 OF 2011
WITH
CIVIL APPLICATION NO.94 OF 2018

The Conservator of Forests, Pune & Anr. ...Appellants
Vs.
Kailas Digambar Patkar ...Respondents

WITH
LETTERS PATENT APPEAL (ST.) NO.17210 OF 2011
WITH
CIVIL APPLICATION NO.95 OF 2018

The Conservator of Forest, Pune & Anr. ...Appellants
Vs.
Kisan Sitaram Pardhi ...Respondent

WITH
LETTERS PATENT APPEAL (ST.) NO.17215 OF 2011
WITH
CIVIL APPLICATION NO.96 OF 2018

The Conservator of Forests, Pune ...Appellant
Vs.
Shri Tanaji Dinkar Gorde ...Respondent

WITH
LETTERS PATENT APPEAL (ST.) NO.17852 OF 2011
WITH
CIVIL APPLICATION NO.97 OF 2018

The Conservator of Forests, Pune & Anr. ...Appellants
Vs.
Shri. Khandu Deoram Bhujbal ...Respondent

WITH
LETTERS PATENT APPEAL (ST.) NO.18124 OF 2011
WITH
CIVIL APPLICATION NO.98 OF 2018

The Conservator of Forest, Pune & Anr. ...Appellants
Vs.
Balkrishna Shankarrao Rajgurav ...Respondent

WITH
LETTERS PATENT APPEAL (ST.) NO.30347 OF 2011
WITH
CIVIL APPLICATION NO.100 OF 2018

The Conservator of Forest & Anr. ...Appellants
Vs.
Genbhau Appaji Lande ...Respondent

WITH
LETTES PATENT APPEAL (ST.) NO.30450 OF 2011
WITH
CIVIL APPLICATION NO.101 OF 2018

The Conservator of Forest, Pune & Anr. ...Appellants
Vs.
Vitthal Sitaram Bhor ...Respondent

WITH
LETTERS PATENT APPEAL (ST.) NO.30454 OF 2011
WITH
CIVIL APPLICATION NO.102 OF 2018

The Conservator of Forests, Pune & Ors. ...Appellants
Vs.
Shri Popat Mahadu Kotwal ...Respondent

WITH
LETTERS PATENT APPEAL (ST.) NO.31826 OF 2011
WITH
CIVIL APPLICATION NO.103 OF 2018

The Conservator of Forests, Pune ...Appellant
Vs.
Shri Haribhau Namdeo Kute ...Respondent

WITH
LETTERS PATENT APPEAL (ST.) NO.31832 OF 2011
WITH
CIVIL APPLICATION NO.104 OF 2018

The Conservator of Forests ...Appellant
Vs.
Smt.Parvati Sitaram Dhumal ...Respondent

WITH
LETTERS PATENT APPEAL (ST.) NO.31841 OF 2011
WITH
CIVIL APPLICATION NO.105 OF 2018

The Conservator of Forests ...Appellant
Vs.
Shri. Rajaram Bhagwant Khandve ...Respondents

WITH
LETTERS PATENT APPEAL (ST.) NO.31855 OF 2011
WITH
CIVIL APPLICATION NO.106 OF 2018

The Conservator of Forests, Pune & Anr. ...Appellants
Vs.
Shri. Raghunath Ganpat Shelar ...Respondent

WITH
LETTERS PATENT APPEAL (ST.) NO.31914 OF 2011
WITH
CIVIL APPLICATION NO.109 OF 2018

The Deputy Conservator of Forests ...Appellant
Vs.
Smt. Rukmini K. Kadam ...Respondent

WITH
LETTERS PATENT APPEAL (ST.) NO.32024 OF 2011
WITH
CIVIL APPLICATION NO.110 OF 2018

The Conservator of Forests & Anr. ...Appellants
Vs.
Shri. Vitthal Manjaji Bheke ...Respondent

WITH
LETTERS PATENT APPEAL (ST.) NO.32028 OF 2011
WITH
CIVIL APPLICATION NO.111 OF 2018

The Conservator of Forests, Pune & Anr. ...Appellants
Vs.
Shri. Balu Khandu Waman ...Respondent

WITH
LETTERS PATENT APPEAL (ST.) NO.32344 OF 2011
WITH
CIVIL APPLICATION NO.112 OF 2018

The Conservator of Forests, Pune ...Appellant
Vs.
Shri. Tukaram Nivrutti Sawant ...Respondent

WITH
LETTERS PATENT APPEAL (ST.) NO.32353 OF 2011
WITH
CIVIL APPLICATION NO.113 OF 2018

The Conservator of Forests, Pune ...Appellant
Vs.
Shri. Suresh Sitaram Ovhal ...Respondent

WITH
LETTERS PATENT APPEAL (ST.) NO.32547 OF 2011
WITH
CIVIL APPLICATION NO.114 OF 2018

The Conservator of Forests, Pune & Anr. ...Appellants
Vs.
Shri. Baban Sadashiv Borkar ...Respondent

WITH
LETTERS PATENT APPEAL (ST.) NO.32624 OF 2011
WITH
CIVIL APPLICATION NO.115 OF 2018

The Conservator of Forests & Anr. ...Appellants
Vs.
Shri. Ankush Daulatrao Shitole ...Respondent

WITH
LETTERS PATENT APPEAL (ST.) NO.32632 OF 2011
WITH
CIVIL APPLICATION NO.116 OF 2018

The Conservator of Forests & Anr. ...Appellants
Vs.
Smt. Sindhubai Natthuji Dhumal ...Respondent

WITH
LETTERS PATENT APPEAL (ST.) NO.32638 OF 2011
WITH
CIVIL APPLICATION NO.117 OF 2018

The Conservator of Forests & Anr. ...Appellants
Vs.
Shri. Madhukar Dagadu Balsaraf ...Respondent

WITH
LETTERS PATENT APPEAL (ST.) NO.32643 OF 2011
WITH
CIVIL APPLICATION NO.118 OF 2018

The Conservator of Forests & Anr. ...Appellants
Vs.
Shri. Vishwas Sitaram Shinde ...Respondent

WITH
LETTERS PATENT APPEAL (ST.) NO.31907 OF 2011
WITH
CIVIL APPLICATION NO.108 OF 2018

The Deputy Conservator of Forests ...Appellant
Vs.
Smt. Phulabai Baban Lande ...Respondent

WITH
LETTERS PATENT APPEAL (ST.) NO.31901 OF 2011
WITH
CIVIL APPLICATION NO.107 OF 2018

The Conservator of Forests, Pune ...Appellant
Vs.
Shri. Mahadu Kundlik Tambde ...Respondent

WITH
LETTERS PATENT APPEAL (ST.) NO.23297 OF 2011 (NOB TOB)
WITH
CIVIL APPLICATION (ST.) NO.23298 OF 2018 (NOB TOB)

The Conservator of Forests, Pune ...Appellant
Vs.
Smt. Indubai Narayan Chavan ...Respondent

Mr.A.B. Vagyani, GP, with Mr.P.P. More, AAGP, for Applicant.
Mr.Onkar Warange for Respondents in LPA(St.) No.536/12, LPA(St.) No.30450/11, LPA(St.) No.17165/11, LPA(St.) No.32344/11 & LPA(St.) No.32624/11.

CORAM : NARESH H. PATIL AND
G.S. KULKARNI, JJ.
DATE : 24th JULY 2018

P.C.:

This group of Letters Patent Appeals arise out of the judgments and orders passed by the Industrial Court and the learned Single Judge

of this Court. The respondents/complainants had approached the Industrial Court claiming permanency in service. According to the respondents, they were working on daily wages and in that capacity, they continued to be in service for a period about 12 to 20 years. The complaints were filed in the Industrial Court under item Nos.5, 6, 9 and 10 of Schedule IV of the Maharashtra Trade Union and Prevention of Unfair Labour Practices Act 1971. According to the respondents, they had put in 240 days of service of the preceding year of filing of the complaints. The Industrial Court allowed the complaints and directed the appellants herein to grant the status of permanency and all the consequential benefits from the date of filing the complaint.

2. The appellants questioned the judgment of the Industrial Court before the learned Single Judge by filing writ petitions. The writ petitions came to be dismissed by the learned Single Judge.

3. The Government Pleader has placed a statement showing details in respect of 16 cases where the employees were made permanent. The permanency relates to the respondents in Letters Patent Appeal (St.)No.17193 of 2011, Letters Patent Appeal (St.)No.17206 of 2011, Letters Patent Appeal (St.)No.32632 of 2011, Letters Patent Appeal (St.)No.17202 of 2011, Letters Patent Appeal (St.)No.31901 of 2011, Letters Patent Appeal (St.)No.31832 of 2011, Letters Patent Appeal

(St.)No.32024 of 2011, Letters Patent Appeal (St.)No.17215 of 2011, Letters Patent Appeal (St.)No.31841 of 2011, Letters Patent Appeal (St.)No.17210 of 2011, Letters Patent Appeal (St.)No.32643 of 2011, Letters Patent Appeal (St.)No.17852 of 2011, Letters Patent Appeal (St.)No.32028 of 2011, Letters Patent Appeal (St.)No.30454 of 2011.

4. Details in respect of the status of the employment in respect of the respondents in the Letters Patent Appeals are as under:-

Sr. No.	**Name of Respondent**	**Letters Patent Appeal (St.)No.**	**Remark**
1	Balkrishna Shankarrao Rajgurav	18124 of 2011	He was made permanent.
2	Vitthal Baburao Bhujbal	17165 of 2011	He was not made permanent. He is still working.
3	Shri Jayant Purushottam Joshi	17168 of 2011	Expired. He was not made permanent.
4	Shri Vitthal Sitaram Bhor	30450 of 2011	He was made permanent. He has retired already.
5	Shri Genbhau Appaji Lande	30347 of 2011	He was not made permanent. He expired on 2nd August 2005.
6	Shri Vitthal Dhavaji Dabhade	17197 of 2011	He was not made permanent. He left the work.

7	Sakharam Soma Dabhade	17197 of 2011	He was not made permanent and left the work.
8	Ramdas Sakharam Vare	17197 of 2011	He was not made permanent and left the work.
9	Ganpat Sonu Kedar	17197 of 2011	He was made permanent.
10	Kaluram Raghu Bazare	17162 of 2011	He was not on work. He left the work.
11	Madhukar Dagadu Balsaraf	32638 of 2011	He was not made permanent. He is still working. (He will get benefit.)
12	Haribhau Namdeo Kute	31826 of 2011	He was not on work.
13	Smt.Indubai Narayan Chavan	23297 of 2011	He was made permanent.
14	Smt.Rukmini Khandu Kadam	31914 of 2011	She was made permanent. She expired after retirement.
15	Smt.Phulabai Baban Lande	31907 of 2011	She was made permanent. She expired after retirement.
16	Shri Suresh Sitaram Ovhal	32353 of 2011	He was made permanent. He is still working.
17	Shri Raghunath Ganpat Shelar	31855 of 2011	He was made permanent. He is still working.
18	Shri Baban Sadashiv Borkar	32547 of 2011	He was made permanent. He is still working.

19	Shri Tukaram Nivrutti Sawant	32344 of 2011	He was not made permanent.
20	Shri Ankush Daulatrao Shitole	32624 of 2011	He was not made permanent. He is still working.
21	Smt.Madina Basheer Shaikh	536 of 2012	She was not made permanent. She is still working.

5. We have perused the record placed before us and the impugned judgments and orders. We have considered the submissions advanced. We do not find any error or perversity in the view adopted by the Industrial Court and the learned Single Judge.

6. According to the information provided by the State along with the remarks in respect of the status of the employees as of now, we have incorporated the same in this order.

7. After perusing the record placed before us and considering the submissions advanced, we find that Shri Vitthal Baburao Bhujbal, respondent in Letters Patent Appeal (St.) No.17165 of 2011, is still working. It would be appropriate in view of the order passed, to direct the appellants to take necessary steps for compliance of the order impugned herein.

8. It is submitted that Shri Jayant Purushottam Joshi, respondent in Letters Patent Appeal (St.) No.17168 of 2011, expired on 17th December 2013. The learned Government Pleader submitted that Jayant Joshi was not made permanent. His legal representatives could not be traced out and copies could not be served. We clarify that the legal representatives of the deceased would be entitled to claim monetary benefits. Letters Patent Appeal (St.) No.17168 of 2011 stands disposed of with above said directions.

9. Legal representatives of Shri Genbhau Appaji Lande, respondent in Letters Patent Appeal (St.) No.30347 of 2011, are entitled to claim monetary benefits.

10. We hereby confirm the order in respect of Shri Vitthal Dhavaji Dabhade, respondent in Letters Patent Appeal (St.) No.17197 of 2011, who was not made permanent.

11. We accordingly dispose of the letters patent appeals.

12. In view of disposal of letters patent appeals, nothing survives in the civil applications. Civil Applications dispose of accordingly.

[G.S. KULKARNI, J.] **[NARESH H. PATIL, J.]**