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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 2481 OF 2017

Sudhir Chandrakant Gawde	.. Petitioner
Vs.	
The Chairman/C.E.O.	
State Bank of India & Anr.	.. Respondents

Mr. Saha Joydeb for the Petitioner.
Mr. Neel G. Helekar for the Respondent No.1.

CORAM : R. M. SAVANT & K. K. SONAWANE, JJ.
DATE : 28th AUGUST, 2018.

P. C. :

1. The writ jurisdiction of this Court is invoked for the relief that the Petitioner's service be regularized and the Petitioner be made permanent in the post of Peon-cum-Lunch Room Attendant or any other equivalent post. The further relief sought is that the Respondents be directed to pay the arrears of wages to the Petitioner from the date of his employment till date as if he was employed in the post of Peon-cum-Lunch Room Attendant from the year 1998 as a permanent employee. The learned Counsel for the Petitioner informs us that after the filing of the Petition, the Petitioner's services have been terminated/discontinued from 04.10.2017.

2. Having regard to the nature of the relief sought in the above Petition as also considering the fact that the Petitioner has been terminated from

the post of Peon-cum-Lunch Room Attendant as claimed by the Petitioner, we are of the view that the consideration of the said relief would entail inquiry into the facts which cannot be done in the writ jurisdiction of this Court under Article 226 of the Constitution of India.

3. Having regard to the facts as aforesaid, we are of the considered view that it would be appropriate if the Petitioner invokes the appropriate remedy under the relevant labour legislation. If any such remedy is adopted, needless to state the same would be tried on its own merits and in accordance with law uninfluenced by the observations made in the instant order.

4. With the directions as aforesaid, the Writ Petition is disposed of.

[K. K. SONAWANE, J.]

[R. M. SAVANT, J.]

Arjun
Machhindra
Kadam

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