

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

C.A.W.NO. 2176/2018 IN WRIT PETITION NO. 1251/2014.

Anand Vijay Pawar

-VERSUS-

Union of India and others.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

CORAM : B.P. DHARMADHIKARI
& M. G. GIRATKAR, JJ.

DATE : OCTOBER 05, 2018.

Heard Shri A.M. Ghare, learned Counsel
for the applicant/respondent nos. 2 and 3, Ms. Pathak,
learned Counsel for petitioner and Shri Brahme,
learned counsel for respondent no.1.

2. This is 2nd application by which the
employer is seeking extension of 6 months to take
decision as per orders of this Court dated 05.06.2017
disposing of Writ Petition No. 1251/2014.

3. Petitioner, holding Degree in Engineering
seeks employment on compassionate ground on a post
befitting his qualification. It appears that such

2

treatment has been extended to others in past. Interim directions issued on 18.11.2014 in Writ Petition No. 1251/2014 was questioned before the Hon'ble Supreme Court and there the employer made a statement that the issue has been referred to J.B.C.C.I. Because of this development, Special Leave Petition was disposed of. This Court, thereafter disposed of the Writ Petition with a direction to J.B.C.C.I. to take decision within 6 months. That decision which should have been taken by December, 2017, is still not reached. This Court had earlier extended time once.

4. Defence of employer is the provisions of Wage Agreement are understood in a particular manner by other employers, but, the present employer (WCL) has still not acted upon it accordingly.

5. We find that other employers who have acted upon the agreement between the parties, are subsidiaries of Coal India, so is the applicant WCL.

6. Learned counsel for applicant submits that when meeting was convened, representative of Trade Union did not cooperate and were absent.

7. We are not concerned with the difficulties as presented. Decision can be taken by those who are

3

present in the meeting.

8. We in this situation, extend time by two months more from today, as a last chance. If the decision is not taken, considering the qualification of petitioner, though respondents – WCL may not alter the nature of work, we direct it to start paying petitioner thereafter, the wage in the pay scale available to graduate engineer with it.

9. Civil Application is accordingly allowed and disposed of. No costs.

JUDGE

JUDGE

Rgd.