

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

WRIT PETITION NO.319 OF 1999

Nandurbar Nagar Palika Kamgar Sangh,
a Trade Union duly registered under
the provisions of the Trade Unions Act,
1926 having it's office at Dr.Ambedkar
Chowk, Nandurbar, District Dhule.

...PETITIONER

-VERSUS-

Chief Officer,
Nandurbar Municipal Council,
having his office at Nandurbar,
District Dhule.

...RESPONDENT

...
Advocate for the Petitioner : Shri D.J.Patil h/f Shri N.B.Suryawanshi
...

CORAM: RAVINDRA V. GHUGE, J.
DATE :- 13th June, 2019

Oral Judgment :

1 Despite service of court notice on the respondent/ Municipal Council, none has caused an appearance.

2 The petitioner/ union is aggrieved by the judgment and award dated 23.09.1993 by which, the Industrial Tribunal, Nashik has partly allowed Reference (IT) No.2/1988 and as a consequence of which, though the petitioner union was espousing the cause of 16 persons, three persons, namely, Ramakant Gaikwad, Gorakh Impale and Madhukar Chaudhari were granted absorption on permanent posts.

3 The learned advocate for the petitioner union submits, on instructions, that the Government of Maharashtra has passed a resolution dated 05.02.2019 by which, the employees as like these 13 workers, who were parties to the reference proceedings, would be granted absorption subject to the terms and conditions of the said Government Resolution. A copy of the Government Resolution dated 05.02.2019 is placed on record, which is marked as "X" for identification.

4 The learned advocate for the petitioner union, therefore, submits that this writ petition can be disposed off with a direction to the respondent/ Municipal Council that they would prepare the proposal of these 13 workers mentioned in the annexure to the reference proceedings and the Government would consider the said proposal on its merits within the ambit of the Government Resolution dated 05.02.2019.

5 Considering the above, this Writ Petition is disposed off with the following directions :-

- (a) The respondent/ Municipal Council shall prepare the proposal of the remaining 13 workers, who were mentioned in the annexure to the reference proceedings before the Industrial Tribunal, and shall forward the same to the Directorate of Municipal Administration, Maharashtra State, within a period of EIGHT WEEKS from today.
- (b) Such proposal shall contain the details of these 13 workers

including their dates of birth/ age, work/duties performed by them, their tenure of work and the total period of service put in by them with the respondent/ Municipal Council.

- (c) The proposal shall also state as to whether, any of these 13 workers are not in employment and if so, the date from which they are not in employment.
- (d) The Directorate of Municipal Administration shall consider the said proposal in the light of the details set out therein and the Government Resolution dated 05.02.2019, within a period of FOUR MONTHS from the date of receipt of such proposal and shall refrain from seeking extension of time.
- (e) The Directorate of Municipal Administration would mention the deemed dates from which permanency is to be granted to the workers by considering their seniority and available vacancy.
- (f) In the event, any of the individual or the petitioner union is aggrieved by any decision of the Government, they would be at liberty to seek redressal of their grievance as may be permissible in law.

6 Rule is made partly absolute in the above terms.