

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

WRIT PETITION NO. 6864 OF 2018

1. The Chairman,
Ahmednagar District Secondary
Teachers Co-Operative Credit
Society Limited,
At: Mahdyamik Shikshak Bhawan,
Juna Mangalwar Bazar, Ahmednagar.

2. The Secretary,
Ahmednagar District Secondary,
Teachers Co-Operative Credit
Society Ltd.,
At: Mahdyamik Shikshak Bhawan,
Juna Mangalwar Bazar, Ahmednagar. ..**PETITIONERS**

VERSUS

Kanifnath Ashok Turkunde,
Age; 22 years, Occ; Service,
R/o; Talwadi, Post: Baradgaon,
Tq. Karjat, Dist; Ahmednagar. ..**RESPONDENT**

WITH

WRIT PETITION NO. 6865 OF 2018

1. The Chairman,
Ahmednagar District Secondary
Teachers Co-Operative Credit
Society Limited,
At: Mahdyamik Shikshak Bhawan,
Juna Mangalwar Bazar, Ahmednagar.

2. The Secretary,
Ahmednagar District Secondary,

Teachers Co-Operative Credit
Society Ltd.,
At: Mahdyamik Shikshak Bhawan,
Juna Mangalwar Bazar, Ahmednagar. **.PETITIONERS**

VERSUS

Vishal Balu Thenge,
Age; 29 years, Occ; Service,
R/o; Palaspur, Tq. Parner,
Dist; Ahmednagar. **..RESPONDENT**

WITH

WRIT PETITION NO. 6866 OF 2018

1. The Chairman,
Ahmednagar District Secondary
Teachers Co-Operative Credit
Society Limited,
At: Mahdyamik Shikshak Bhawan,
Juna Mangalwar Bazar, Ahmednagar.
2. The Secretary,
Ahmednagar District Secondary,
Teachers Co-Operative Credit
Society Ltd.,
At: Mahdyamik Shikshak Bhawan,
Juna Mangalwar Bazar, Ahmednagar. **.PETITIONERS**

VERSUS

Eknath Macchindra Kokate,
Age; 23 years, Occ; Service,
R/o; Korgaon, Tq. Karjat,
Dist; Ahmednagar. **..RESPONDENT**

WITH**WRIT PETITION NO. 6868 OF 2018**

1. The Chairman,
Ahmednagar District Secondary
Teachers Co-Operative Credit
Society Limited,
At: Mahdyamik Shikshak Bhawan,
Juna Mangalwar Bazar, Ahmednagar.
2. The Secretary,
Ahmednagar District Secondary,
Teachers Co-Operative Credit
Society Ltd.,
At: Mahdyamik Shikshak Bhawan,
Juna Mangalwar Bazar, Ahmednagar. **.PETITIONERS**

VERSUS

Swapnil Chandrakant Pawar,
Age; 25 years, Occ; Service,
R/o; Pimpalgaon Pisa,
Tq. Shrigonda, Dist; Ahmednagar. **..RESPONDENT**

WITH**WRIT PETITION NO. 6869 OF 2018**

1. The Chairman,
Ahmednagar District Secondary
Teachers Co-Operative Credit
Society Limited,
At: Mahdyamik Shikshak Bhawan,
Juna Mangalwar Bazar, Ahmednagar.
2. The Secretary,
Ahmednagar District Secondary,
Teachers Co-Operative Credit
Society Ltd.,

At: Mahdyamik Shikshak Bhawan,
Juna Mangalwar Bazar, Ahmednagar. **.PETITIONERS**

VERSUS

Atmaram Babasaheb Kachare,
Age; 33 years, Occ; Service,
R/o; Padali, Tq. Pathardi,
Dist; Ahmednagar.

..RESPONDENT

...

Advocate for Petitioners : Mr.Shelke Shivaji T.
Advocate for Respondent : Mr. Wagh Shirinivas S.

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CORAM : M.S.KARNIK, J.

Dated: August 13, 2019

ORAL JUDGMENT :-

Rule. Rule, returnable forthwith and heard finally with the consent of the parties.

2. Since common issue is involved in these petitions, they are disposed of by a common order.

3. The petitioner Chairman, Ahmednagar District Secondary Teachers Co-Op Credit Society Ltd. & another has challenged the judgment and order of the Member Industrial Court, Ahmednagar, allowing the complaint of unfair labour practice

filed by the respondent. The Industrial Court, Ahmednagar has passed an operative order which reads as under :

- "1. The respondents shall grant to the complainant permanency in the post of Peon with all benefits w.e.f. 01.01.2017, within one month.*
- 2. No order as to costs.*
- 3. This order shall be complied with within one month".*

4. These petitions raise common questions in respect of different posts i.e. the Computer Operator, Clerks and Peons. The Industrial Court granted permanency to the respondent on account of completion of 240 days of continuous service in one year. Since the year 2014, almost in every year, the respondent rendered continuous service for more than 240 days in one year. The Industrial Court arrived at the finding that the work of permanent nature is available with the petitioner society. The Industrial Court was of the opinion that the Model Standing Orders under the Industrial Employment (Standing Orders) Act, would automatically apply. As per Clause 4-C of the Model

Standing Orders the Industrial Court issued the order to the petitioner to grant permanency after completion of 240 days.

5. The learned counsel for the petitioner assailed the order passed by the Industrial Court. He would contend that in absence of availability any sanctioned posts, it was not permissible for the Industrial Court to have granted permanency.

6. The learned counsel for the respondent, on the other hand, invited my attention to the affidavit filed on behalf of respondent No.1. He invited my attention to para Nos. 1 and 2. It is pointed out that the Society made appointments of 12 employees in February and May- 2019 on various posts of Computer Operator, Clerks and Peons. It is stated in the affidavit that these appointments have been made by the petitioner Society after due permission and sanction obtained from the Competent Authority in Co-Operation Department. Learned counsel therefore submits that the plea of the petitioner Society that there are no sanctioned

posts available with the petitioner Society is untenable.

7. I find force in the submission of learned counsel for the respondent. The Society has not refuted the submission made by the respondent that 12 employees, including the Computer Operator, two Clerks and nine Peons are appointed on permanent basis in the posts available and that too after passing of the Industrial Courts order.

8. In this view of the matter and also in view of the findings recorded by the Industrial Court that respondents have rendered continuous service of 240 days in one year, and as the respondents are continuously working since the year 2014, I see no reason to interfere with the order passed by the Industrial Court. The Subsequent event of appointment of two Clerks and nine Peons belie the contention of the petitioners that there are no sanctioned posts available.

9. I find no substance in these petitions.
The Writ Petitions are dismissed.

10. Rule is discharged with no order as to
costs.

(M.S.KARNIK)
JUDGE

mahajansb/