

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

**902 REVIEW APPLICATION (ST) NO.3161 OF 2017
IN WP/8746/2012**

WITH

CIVIL APPLICATION NO.11652 OF 2019

IN

REVIEW APPLICATION (ST) NO.3161 OF 2017

SHIVAJI JYOTIRAM PUKALE

..APPLICANT

VERSUS

THE DIVISIONAL CONTROLLER, MSRTC,
DHULE

..RESPONDENT

WITH

**REVIEW APPLICATION (ST) NO.3165 OF 2017
IN WP/8729/2012**

WITH

CIVIL APPLICATION NO.11653 OF 2019

IN

REVIEW APPLICATION (ST) NO.3165 OF 2017

RAVINDRA DINKAR KOTHAHADE

..APPLICANT

VERSUS

THE DIVISIONAL CONTROLLER, MSRTC,
DHULE

..RESPONDENT

WITH

**REVIEW APPLICATION (ST) NO.3169 OF 2017
IN WP/8732/2012**

WITH

CIVIL APPLICATION NO.11654 OF 2019

IN

REVIEW APPLICATION (ST) NO.3169 OF 2017

RAVINDRA NIRMAL BAGUL

..APPLICANT

VERSUS

THE DIVISIONAL CONTROLLER, MSRTC,
DHULE

..RESPONDENT

WITH
REVIEW APPLICATION (ST) NO.3163 OF 2017
IN WP/8743/2012

WITH
CIVIL APPLICATION NO.11655 OF 2019
IN
REVIEW APPLICATION (ST) NO.3163 OF 2017

GULAB KASAM KHATIK

..APPLICANT

VERSUS

THE DIVISIONAL CONTROLLER, MSRTC,
DHULE

..RESPONDENT

WITH
REVIEW APPLICATION (ST) NO.3167 OF 2017
IN WP/8735/2012

WITH
CIVIL APPLICATION NO.11656 OF 2019
IN
REVIEW APPLICATION (ST) NO.3167 OF 2017

ABDUL HABIB SHAIKH NABAB PATEL

..APPLICANT

VERSUS

THE DIVISIONAL CONTROLLER, MSRTC,
DHULE

..RESPONDENT

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Mr. N. L. Choudhari, Advocate for the Applicants.

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CORAM : S. V. GANGAPURWALA, J.

DATED : 27th SEPTEMBER, 2019.

PER COURT:-

1. I have heard learned counsel for applicants on the review application.

2. The learned counsel submits that the applicants were working with the respondent-Corporation since 1983 on the posts of Labour/Helper. They were appointed on the permanent and vacant post and have completed 240 days service on daily wages continuously. In view of that, the present applicants were required to be regularized. According to the learned counsel while passing the judgment under review this aspect that the applicants being appointed on the daily wages continuously on the substantive post was not considered. The learned counsel relied on the judgment in a case of **Municipal Corporation of Gr. Mumbai, Mahapalika Marg, Mumbai Vs. Kachara Vahtuk Shramik Sangh** in Writ Petition No.11519/2014 dated 22.12.2016.

3. I have considered the submission canvassed by the learned counsel for the applicants.

4. The Labour Court had rejected the Reference IDA filed by the present applicants against purported oral termination. It was the case of the present applicants that applicants were orally terminated on 09.09.1988. The IDA Reference was made in the year 2011 that is after almost 21 years. While passing the judgment under review, I have considered that at no material point of time any appointment orders issued to the present applicants. The applicants were appointed on clock

hour basis to carry out work as and when available and that too for four hours in a day. The Labour Court has discussed the evidence in that regard threadbare and has come to the conclusion that no evidence exist to terminate though applicants have worked for 240 days per year. On the ground of delay as well as on merits, writ petitions were dismissed.

5. In light of that no case for review is made out. Review Applications are disposed of.

6. In view of disposal of review applications, present civil applications stand disposed of.

(S. V. GANGAPURWALA)
JUDGE

Devendra/September-19