

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

WRIT PETITION NO. 1751 OF 2018

Govind Kashinath Jadhav

.. Petitioner

Versus

The State of Maharashtra and another .. Respondents

Shri Vivek V. Bhavthankar, Advocate for the Petitioner.

Shri S. B. Pulkundwar, A.G.P. for the Respondent No. 1.

Shri Amol Kokad, Advocate h/f Shri K. V. More, Advocate for the Respondent No. 2.

**CORAM : S. V. GANGAPURWALA AND
AVINASH G. GHAROTE, JJ.**

DATE : 18TH NOVEMBER, 2019.

FINAL ORDER :

1. Mr. Bhavthankar, the learned counsel for the petitioner submits that, the petitioner is granted benefit of promotion as Mistri Grade – II in Class – II cadre under orders of the Industrial Court dated 27th June, 1996. The Zilla Parishad challenged the said order before the learned single Judge of this Court by filing Writ Petition No. 2253 of 1998. Initially stay was granted by this Court. The writ petition is dismissed subsequently. The learned counsel submits that, the judgment of the learned Single Judge has become final.

2. Mr. Kokad, the learned counsel for the Zilla Parishad submits that, persons having enjoyed benefit of Kalelkar

settlement are not entitled for benefit. The report of Kalelkar settlement was not placed before the learned Single Judge. The petitioner is not entitled for promotion.

3. The petitioner had approached the Industrial Court by filing Complaint ULP No. 124 of 1994. In the said complaint after hearing the parties, the Member, Industrial Court directed the present respondent No. 1 to give promotion to the present petitioner as Mistry Grade – II in Class – II cadre since the date he completed three years after passing his matriculation and its communication to the respondent giving retrospective effect with monetary benefit thereunder along with difference. Said order of Industrial Court was challenged by the Zilla Parishad Beed by filing Writ Petition No. 2253 of 1998. The learned Single Judge of this Court under order dated 30th June, 2007 dismissed the writ petition confirming the order of the Industrial Court.

4. The contention of Mr. Kokad, the learned counsel for the Zilla Parishad is that, the Zilla Parishad has filed review of the said order. The said fact was also stated on 19th August, 2019 by the learned counsel. It was at the request of the learned counsel, we had adjourned the matter. The matter is adjourned from time to time. The learned counsel for the Zilla Parishad submits that, he could not get further instructions about the review being circulated.

5. As the order has become final, the respondent/zilla

Parishad is duty bound to implement the order passed by the Industrial Court and confirmed by the learned Single Judge of this Court. The respondent/Zilla Parishad shall implement the said order passed by the Industrial Court and confirmed by the learned Single Judge of this Court within a period of four (04) weeks from today. Same shall be subject to the decision that would be taken by the learned Single Judge in review application said to have been filed by the Zilla Parishad.

6. In view of the above, the writ petition is disposed of. No costs.

[AVINASH G. GHAROTE, J.]

[S. V. GANGAPURWALA, J.]

bsb/Nov. 19