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

WRIT PETITION NO. 3575 OF 2019

Waman S/o Jaywant Pimple
Age 71 years, Occ: Retired Clerk
R/o Ralegan Mhasobaji Taluka : Ahmednagar
District : Ahmednagar

..PETITIONER

VERSUS

1. The State of Maharashtra
through the Secretary,
Planning Department, Mantralaya
Mumbai
2. The District Collector
District: Ahmednagar
3. The Deputy Director of Land Records
Nasik Region, Nashik
4. The Deputy Superintendent of Land
Records, Taluka: Akole
District : Ahmednagar.

..RESPONDENTS

Mr A. D. Sugdare, Advocate for petitioner;
Mrs V. N. Patil - Jadhav, A.G.P. for respondents

**CORAM : PRASANNA B. VARALE
AND
NITIN W. SAMBRE, JJ.**

DATE : 15th March, 2019

ORAL ORDER:

Heard Mr Sugdare, learned Counsel appearing on behalf of the
petitioner.

(2)

2. It is submitted by the learned Counsel that the petitioner who had approached the learned Industrial Court by filing Complaint (ULP) No. 193 of 1989 was successful in the proceedings by way of the judgment and order of the learned Industrial Court. The learned Member of the Industrial Court accepted the claim of status and privileges of permanency and consequential benefits from the date of filing of the Complaint. As the directions are not complied with, in identical matters the parties have approached this Court and one of such petitions is Writ Petition No.7442 of 2018 filed in this Court. The submission is, the petitioner is identically circumstanced with petitioner Jabaji Rangnath Wagh and on the similar set of facts and circumstances, the Division Bench of this Court, passed the order on 15th October, 2018. A copy of the said order is placed on record at Exhibit- E.

3. Learned Counsel appearing on behalf of the petitioner submitted that the petitioner would be entitled to get the similar relief, as granted under clause (1) of para - 5 of the order. In view of the order of the Division Bench, dated 15th October, 2018, we see no reason to take a different view or deviate from the course adopted by the Division Bench of this Court in the said order.

4. The petition is allowed with following order:

In view of the judgment and order dated 29th December, 1994 passed by the Industrial Court in Complaint (ULP) No. 193 of 1989, the petitioner shall be treated as permanent employee w.e.f. the date of his

(3)

Complaint i.e. from the date of filing his Complaint ULP till the respective dates of superannuation.

We further make it clear that, apart from issuing directions regarding the date of permanent employment of the petitioner, we have not examined the case of the petitioner as regards the eligibility of pensionary benefits.

The judgment of the Tribunal is modified in above terms and Writ Petition is disposed of accordingly.

(NITIN W. SAMBRE, J.)

(PRASANNA B. VARALE, J.)

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