

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

(1) WRIT PETITION NO.6960 OF 2009

Municipal Council, Osmanabad,
through its Chief Officer,
Yashwant s/o Bhimrao Dange,
age: 32 years, Occ: Service,
R/o Quarter of Municipal Council,
Osmanabad, Tq. & Dist.Osmanabad.

Petitioner

Versus

Datta Goroba Oval,
age: 34 years, Occ: Labour,
Osmanabad, Tq. & Dist.Osmanabad,
C/o Shri C.N.Shinde,
General Secretary,
Trade Union Centre,
Jalkot Road, Udgir,
District Latur.

Respondent

WITH

(2) WRIT PETITION NO.6962 OF 2009

Municipal Council, Osmanabad,
through its Chief Officer,
Yashwant s/o Bhimrao Dange,
age: 32 years, Occ: Service,
R/o Quarter of Municipal Council,
Osmanabad, Tq. & Dist.Osmanabad.

Petitioner

Versus

Dadarao Haridas Oval,
age: 53 years, Occ: Labour,
Osmanabad, Tq. & Dist.Osmanabad,
C/o Shri C.N.Shinde,
General Secretary,
Trade Union Centre,
Jalkot Road, Udgir,
District Latur.

Respondent

WITH
(3) WRIT PETITION NO.6963 OF 2009

Municipal Council, Osmanabad,
through its Chief Officer,
Yashwant s/o Bhimrao Dange,
age: 32 years, Occ: Service,
R/o Quarter of Municipal Council,
Osmanabad, Tq. & Dist.Osmanabad.

Petitioner

Versus

Datta Chandrakant Bansode,
age: 33 years, Occ: Labour,
Osmanabad, Tq. & Dist.Osmanabad,
C/o Shri C.N.Shinde,
General Secretary,
Trade Union Centre,
Jalkot Road, Udgir,
District Latur.

Respondent

WITH
(4) WRIT PETITION NO.6964 OF 2009

Municipal Council, Osmanabad,
through its Chief Officer,
Yashwant s/o Bhimrao Dange,
age: 32 years, Occ: Service,
R/o Quarter of Municipal Council,
Osmanabad, Tq. & Dist.Osmanabad.

Petitioner

Versus

Smt. Baby Bhagwan Naikwade,
age: 47 years, Occ: Labour,
Osmanabad, Tq. & Dist.Osmanabad,
C/o Shri C.N.Shinde,
General Secretary,
Trade Union Centre,
Jalkot Road, Udgir,
District Latur.

Respondent

WITH
(5) WRIT PETITION NO.6972 OF 2009

Municipal Council, Osmanabad,
through its Chief Officer,
Yashwant s/o Bhimrao Dange,
age: 32 years, Occ: Service,
R/o Quarter of Municipal Council,
Osmanabad, Tq. & Dist.Osmanabad.

Petitioner

Versus

Smt.Tarabai Dattu Kanade,
age:48 years, Occ: Labour,
Osmanabad, Tq. & Dist.Osmanabad,
C/o Shri C.N.Shinde,
General Secretary,
Trade Union Centre,
Jalkot Road, Udgir,
District Latur.

Respondent

WITH
(6) WRIT PETITION NO.6998 OF 2009

Municipal Council, Osmanabad,
through its Chief Officer,
Yashwant s/o Bhimrao Dange,
age: 32 years, Occ: Service,
R/o Quarter of Municipal Council,
Osmanabad, Tq. & Dist.Osmanabad.

Petitioner

Versus

Maya Shashikant Patole,
age: 59 years, Occ: Labour,
Osmanabad, Tq. & Dist.Osmanabad,
C/o Shri C.N.Shinde,
General Secretary,
Trade Union Centre,
Jalkot Road, Udgir,
District Latur.

Respondent

Mr.V.B.Deshmukh, Advocate for the petitioner.
Mr.V.D.Salunke, Advocate for the respective respondents.

CORAM : RAVINDRA V. GHUGE, J.

DATE : 18/07/2019

ORAL JUDGMENT :

1 Writ Petition No.6960 of 2009 is on the board. Since the connected remaining matters were not on the board, the papers were called on the request of the learned Counsel for the respective parties.

2 The learned advocate for the Respondents-employees submits that these identical matters were a part of the group of Writ Petitions No.6959 of 2009, 9187 of 2010, 6456 of 2011, 6458 of 2011, 6474 of 2011 and 6494 of 2011, which were decided by the judgment of this Court dated 23.02.2012. The Letters Patent Appeals No.124 to 129 and 133 of 2012, challenging the judgment of the learned Single Judge, dated 23.02.2012, have also been dismissed by the judgment of the learned appeal bench, dated 21.12.2018.

3 The learned advocate appearing on behalf of the Municipal Council, Osmanabad, submits that these matters are

identical. He, however, makes a request that this Court may take a different view in these matters. He relies upon the eight grounds formulated in the memo of the petition and submits that the impugned judgments of the Labour Court, all dated 09.07.2009, be quashed and set aside.

4 Notwithstanding that this Court has dealt with an identical group by delivering a judgment on 23.02.2012, which has been sustained by the learned appeal bench, I have still considered the submissions of the petitioners. The Labour Court considered that these respondents were terminated during the pendency of their demands which were admitted in conciliation. The provisions under Section 33 of the Industrial Disputes Act, 1947, were not followed and as such, the terminations were held to be illegal since they were effected during the pendency of the conciliation proceedings.

5 The issue, as regards termination of such workers during the pendency of conciliation proceedings, has been dealt with by the Hon'ble Apex Court in the matter of **Jaipur Zila Sahakari Bhoomi Vikas Bank Ltd. Vs. Shri Ram Gopal Sharma and others**, 2002 I CLR 789. It is held that if the provisions under Section 33 are

applicable and the termination, is in contravention of such provision and no permission is sought from the authority where the Industrial Dispute is pending, such terminations would be held to be illegal.

6 In view of the above, I do not find any reason to take a different view, as has been taken by this Court in the judgment dated 23.02.2012 and which has been sustained by the learned appeal bench of this Court.

7 Considering the above, these petitions are devoid of merit and are dismissed. Rule is discharged.

(RAVINDRA V. GHUGE, J.)