

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
973 WRIT PETITION NO.9096 OF 2019**

PANDHARINATH KABHARI ERANDE ..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. Amol N. Kakade, Advocate for the Petitioner.

Mr. A. R. Kale, AGP for Respondents-State.

...

**CORAM : S. V. GANGAPURWALA &
MANGESH S. PATIL, JJ.**

DATED : 24th JULY, 2019.

PER COURT:-

1. We have heard Mr. Kakade, learned counsel for the petitioner and learned A.G.P.

2. The petitioner it appears had approached the Labour Court. Award is passed in Reference (IDA) No.33 of 1991. In the said case reference was partly allowed. However, the benefit of permanency was not accorded.

3. Mr. Kakade, learned counsel submits that the petitioner is working since 1991. The respondents have indulged in unfair labour practice. The petitioner became permanent employee as Muster Assistant from 1991, but the date of permanency was recorded as 1995. The benefit of his previous service ought to be counted.

4. The Labour Court did not award permanency. In view of that, petitioner would be entitled for the benefit of the judgment dated 19.07.2012 in Writ Petition 2946/1997.

5. The petitioner's service may be counted for retiral benefit / pensionary benefit only from the date the petitioner was absorbed permanently in the service and as regular employee in service.

6. Writ Petition is disposed of. No costs

(MANGESH S. PATIL)
JUDGE

(S. V. GANGAPURWALA)
JUDGE