

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.715/2017

The Divisional Manager, Forest Development Corporation Limited, Nagpur and
 others

..Vs..

The Member, Industrial Court (Maharashtra), Bhandara Bench, Bhandara and
 others

AND WRIT PETITION NO.716/2017

The Divisional Manager, Forest Development Corporation Limited, Nagpur and
 others

..Vs..

The Member, Industrial Court (Maharashtra), Bhandara Bench, Bhandara and
 others

AND WRIT PETITION NO.717/2017

The Divisional Manager, Forest Development Corporation Limited, Nagpur and
 others

..Vs..

The Member, Industrial Court (Maharashtra), Bhandara Bench, Bhandara and
 others

AND WRIT PETITION NO.718/2017

The Divisional Manager, Forest Development Corporation Limited, Nagpur and
 others

..Vs..

The Member, Industrial Court (Maharashtra), Bhandara Bench, Bhandara and
 others

 Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

 Shri M.M. Sudame, Advocate for the petitioners.
 Shri S.P. Deshpande, Addl. G.P. for respondent Nos.1 and 2A.
 Shri S.S. Dhengale, Advocate for respondent No.2.
 ..(in W.P. Nos.715/2017 & 716/2017)

Shri M.M. Sudame, Advocate for the petitioners.
 Shri S.P. Deshpande, Addl. G.P. for respondent Nos.1 and 2A.
 Shri S.S. Dhengale, Advocate for respondent Nos.2 to 5.
 ..(in W.P. Nos.717/2017)

Shri M.M. Sudame, Advocate for the petitioners.
 Shri S.P. Deshpande, Addl. G.P. for respondent Nos.1 and 2A.
 Shri S.S. Dhengale, Advocate for respondent Nos.2 to 9.
 ..(in W.P. Nos.718/2017)

CORAM : Z.A. HAQ, J.

DATE : 25.2.2019.

These petitions are being disposed by common order as the same issues arise for consideration in all these petitions.

These writ petitions are filed by the employer to challenge the orders passed by the Industrial Court upholding the claim of the respondents / employees for regularization of their services as per the policy of the State Government incorporated in the government resolution dated 16th October, 2012. As per this government resolution, the services of the employees who were in employment during the period from 2nd November, 1994 till 30th June, 2004 for more than 240 days either continuously or intermittently i.e. with break, should be regularized, however, subject to the condition that on 1st June, 2012 the employee should be eligible to continue in the employment.

After examining the material placed on record of the proceedings, the Industrial Court has recorded the finding that the respondents / employees had been in employment for more than 240 days during the period from 1st November, 1994 till 30th June, 2004 and were eligible to continue in the employment. The stand of the employer is that the services of the respondents / employees were terminated before the issuance of government resolution dated 16th October, 2012 and, therefore, their services were regularized and they were not entitled for the benefit as per the government

resolution dated 16th October, 2012. The government resolution dated 16th October, 2012 does not show that the services of only those employees who were in employment on 16th October, 2012 were to be regularized. The Industrial Court has found that the respondents / employees fitted in the criteria as per the government resolution dated 16th October, 2012. The petitioners / employer have not been able to point out that all the 1006 employees whose services are regularized as per the government resolution dated 16th October, 2012 were in employment on 16th October, 2012.

In the above facts, it cannot be said that the Industrial Court has committed any illegality or error of jurisdiction by allowing the complaints filed by the respondents / employees. I see no reason to interfere with the impugned orders. The writ petitions are **dismissed**. No costs.

JUDGE