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

CIVIL APPLICATION (O) NO. 1245/2019
IN
MISC. CIVIL APPLICATION (ST.) NO. 8265/2019
IN
CIVIL APPLICATION (W) NO. 1424/2018
IN
WRIT PETITION NO. 1142/2011 (D)

Parcel Porter Sanghatana
..VS..
Sr. Divisional Commissioner

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

Shri N.W. Almelkar, Advocate for the applicant
Shri N.P. Lambat, Advocate for the non-applicant

CORAM : Z.A.HAQ, J.
DATED : 15/07/2019

Accepting the explanation given in the application, the delay of 16 days in filing the review application is condoned.

The civil application is **allowed** accordingly.

M.C.A. No. 723/2019

Taken up for hearing.

Heard the learned advocates for the respective parties.

By the order dated 10/04/2012, this Court had allowed the application filed by the respondent under Section 17-B of the Industrial Disputes Act, 1947 and the petitioner was directed to pay wages to 152 employees (members of the respondent – Union). By the order dated 19/10/2013, this Court had expressed that the petitioner – employer should provide work to 152 persons instead of paying them wages without taking any work from them. On 09/07/2014, while issuing Rule, this Court considered the submission made on behalf of the petitioner that vacancies were not available to absorb 152 employees, and therefore this Court directed that 152 employees be absorbed as and when the vacancies of Parcel Porter were available with the petitioner. The respondent – Union had moved Civil Application (W) No. 209/2015 pointing out that 1328 vacancies were existing in Group – 'D' category. At the time of hearing of Civil Application (W) No. 209/2015, it was pointed out that out of 152 employees whose claim for absorption was upheld by the Tribunal, 5 employees had died. By the order dated 08/04/2015, this Court directed the petitioner to absorb 147 employees (members of the respondent – Union) in Group – 'D' category. The petitioner had moved Civil Application (W) No. 1494/2016 for modification of the order dated 08/04/2015. The petitioner pointed out that out of 147 employees who were to be absorbed, 2 had surpassed the age of superannuation and 3 employees had died, and therefore absorption of those 5 employees was not possible. By the order dated 18/02/2019, this Court held that 2 employees who had surpassed the age of superannuation were not entitled for absorption, however, widows of 3 employees who died during the pendency of the proceedings were entitled for appointment on compassionate grounds in Group

– 'D' category, of course, subject to fulfilling the required qualifications. Now this miscellaneous civil application is filed praying that the petitioner be directed to give appointments on compassionate grounds to 5 women (widows of 5 employees who died after passing of the award by the Tribunal). The names of the employees who died after passing of the award by the Tribunal are given in para no. 3 of the application.

After examining the matter, I find that the claim made in the miscellaneous civil application is just and proper.

Hence, the following order is passed:-

a) The petitioner is directed to grant appointments on compassionate grounds in Group – 'D' category to the widow/legal representative of Shri Nagesh S/o Pralhad Gajbhiye, Shri Prakash S/o Premlal Mele, Shri Vasant S/o Yadavrao Barsagade, Shri Sanjay S/o Shalikram Narwadiya and Shri Nandkishor S/o Chiman Gajbhiye. Of course, the appointments shall be subject to fulfilling the required qualifications by the widow/legal representative of the deceased – employees.

The M.C.A. is **allowed** accordingly. In the circumstances, the parties to bear their own costs.

JUDGE

Ansari