

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

CIVIL APPLICATION (CAW) NO.1424 OF 2018
WITH
CIVIL APPLICATION (CAW) NO.1494 OF 2016
WITH
CIVIL APPLICATION (CAW) NO.1308 OF 2018

IN
WRIT PETITION NO. 1142 OF 2011

(THE SENIOR DIVISIONAL COMMERCIAL MANAGER...VS.. THE PARCEL PORTER SANGHATANA,
 NAGPUR.)

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

Court's or Judge's orders

 Shri R.S.Sunderam, Adv. a/w. Shri N.P.Lambat, Advocate for Petitioner.
 Shri N.W.Almelkar, Advocate for Respondent.

CORAM : Z.A.HAQ, J.
DATED : FEBRUARY 18, 2019.

CIVIL APPLN.NO.1424/2018.

After hearing for sometime, when it is expressed that at this stage, this Court is not inclined to grant the prayer made in the civil application, the learned Advocate for the respondent-Union submitted that the civil application may be considered at the time of final hearing of the petition.

The civil application to be considered at the time of final hearing of the petition.

CIVIL APPLN.NO.1494/2016.

By order dated 8th April 2015, this Court recorded that as per the award passed by the Tribunal, 147 employees were entitled for absorption in Group-D category. Now, the petitioner/ employer has moved the civil application praying

that the order passed on 8th April 2015 be modified and it be held that only 142 members of the respondent-Union are entitled for absorption in Group-D category.

According to the petitioner/ employer, out of 147 members who were held to be entitled for absorption in Group-D category, two have surpassed the age of superannuation and it is not possible to absorb them, three other employees have died during pendency of the proceedings and therefore, their absorption is also not possible.

The learned advocate for the respondent-Union has pointed out the order passed by this Court on 19th March 2018 and has submitted that the claim of the respondent-Union that dependents of the employees who died during pendency of the proceedings are entitled for appointment on compassionate ground in Group-D category subject to fulfilling the required qualifications. The learned advocate for the respondent-Union has submitted that accordingly the petitioner-employer is processing the matter and the dependents of the three employees, who died during pendency of the proceedings, are being considered for compassionate appointment.

Considering the above facts, the order passed on 8th April 2015 is modified and it is held that instead of 147 employees, 145 employees are entitled for absorption in Group-D category. These 145 employees include the dependents of the three employees who died during the pendency of the proceedings. Two employees who have surpassed the age of superannuation during pendency of the

petition are not entitled for absorption as per the order dated 8th April 2015.

The civil application is **disposed** accordingly.

CIVIL APPLN.NO.1308/18.

The learned advocates for the respective parties submit that this application be considered at the time of final hearing of the petition.

Order accordingly.

JUDGE

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