

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 5871 OF 2018

Chief Executive Officer, Barshi Municipal Corporation, Solapur	...Petitioner
vs.	
Solapur Dist.Municipal Corporation Employees Union, Solapur	...Respondent

Mr.Ashok B. Tajane for Petitioner.
Mr.Neel Helekar for Respondent.

CORAM : S.C. GUPTE, J.

DATE : 15 JANUARY 2020

P.C. :

Heard learned Counsel for the parties.

2 This petition challenges an order passed by the Industrial Court at Solapur on a complaint of unfair labour practice filed by the Respondent herein. The complaint was on behalf of 73 employees of Class 3 and class 4 of the Petitioner establishment. These employees were required to be appointed in accordance with a compromise arrived at between the parties in an earlier writ petition. The compromise required the Petitioner establishment to appoint these employees as clause 3 or class 4 employees, as the case may be, in accordance with the manner indicated in the compromise. Admittedly, the employees have been, accordingly, appointed. The question before the Industrial Court was whether these employees were to be accorded the same service benefits as in the case of other class 3 and class 4 employees. The main contention of the Petitioner before the Industrial Court was that since these employees were appointed

in accordance with a special formula arrived at as a matter of compromise in an earlier petition, their appointments should be treated as special appointments and the employees would not be entitled to any and every service benefit available to regular class 3 or class 4 employees, as the case may be. This contention was negated by the Industrial Court by holding that the compromise arrived at between the parties did not envisage any such distinction as between the employees to be appointed under the compromise formula arrived between the parties and other class 3 or class 4 employees. No infirmity can be found with this assessment by the court.

3 Learned Counsel for the Petitioner submits that some benefits, which are available to sweepers in accordance with Lad Committee Report, are not available to class 3 and class 4 employees generally. The court has not considered any particular benefit as benefit available to the 73 employees on whose behalf the complaint was filed before it. The court has simply observed that whatever service benefits such as medical facilities or pension, which are available to class 3 or class 4 employees of the Petitioner, the same would be available to the employees on whose behalf the complaint was filed; if some particular benefit is not available generally to class 3 or class 4 employees of the Petitioner establishment, the same would not naturally be made available to the employees represented by the complainant union.

4 There is, accordingly, no infirmity found in the impugned order. The writ petition is dismissed.

(S.C. GUPTE, J.)