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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.10243 OF 2017

Divisional Forest Officer

...Petitioner

vs

Pandurang Shamrao Khapare

...Respondent

.....

Shri. S.H. Kankal, AGP, for the Petitioner-State.

Mr. T.R. Yadav, for the Respondent.

.....

CORAM : S.C. GUPTE, J.

DATED: 13 JANUARY, 2020

P.C. :

. The controversy in the present petition concerns termination of the Respondent herein as a daily wager. There were two complaints of which this termination formed the subject matter. One complaint was filed by the Respondent in his individual name, whereas the other was filed by one Karveer Kamgar Sangh, who was a union espousing the cause of the Respondent and other similarly placed workmen of the Petitioner. By two separate orders, the complaints were allowed. In the Respondent's individual complaint, an order was passed by the Labour Court at Kolhapur on 9 January 2013 directing the Petitioner herein to reinstate the complainant as a daily wager and pay him back wages at the rate of 20%. This order has since been confirmed in revision by the Industrial Court at Kolhapur. In the other complaint, i.e. the complaint of the union, by an order dated 9 April 2014, the

Petitioner herein was directed to make all employees, listed in Annexure “A” to the complaint, permanent in the post of ‘van majoor’ since the date of their application, after creation and sanction of posts by Government within a period of one month. By a government resolution dated 1 November 2018, the Respondent herein and others (about 26 workmen mentioned in Annexure “A”) were appointed as ‘van majoor’ after creation of the posts. The G.R. dated 1 November 2018, in this behalf, is purportedly issued in compliance with the order passed by the Industrial Court at Kolhapur on 9 April 2014, i.e., the order on the complaint of the union, Karveer Kamgar Sangh.

2. Learned Counsel for the Respondent states that since in pursuance of the order passed on the complaint of Karveer Kamgar Sangh, the Respondent has now been appointed by the Petitioner State, his client would not press any relief granted to him on his complaint, Complaint (ULP) No.187 of 1996, by the Labour Court (as confirmed in revision by the Industrial Court). In view of this statement, there is no need to consider Writ Petition No.10243 of 2017. The petition is, accordingly, disposed of.

3. It is made clear that service benefits, including retiral benefits, shall be available to the Respondent on the basis of the government resolution dated 1 November 2018 and the appointment order dated 29 November 2018, both in pursuance of the order of the Industrial Court dated 9 April 2014.

(S.C. GUPTE, J.)