

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

907 WRIT PETITION NO.4577 OF 2020

SHESHRAO RAJARAM BHOJNE
VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. Barde Parag Vijay.
AGP for Respondent/s-State : Mr. S. B. Yawalkar.

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**CORAM : RAVINDRA V. GHUGE, AND
S. G. MEHARE, JJ.**

DATE : 05.10.2021

PER COURT :-

1. By this petition, the petitioner has put forth prayer clauses "A" and "B" which read as under :

"A] By issuing appropriate writ, order, direction or any other appropriate order in the nature of writ, Hon'ble High Court may be pleased to direct respondents to advance benefits of Government Resolution dated 16.10.2012 and 10.05.2018 to petitioner w.e.f. relevant date."

"B] Pending hearing and final disposal of this Writ Petition, Hon'ble High Court may be pleased to direct respondent No.4 & 5 to provide the work and not to change service conditions of petitioner."

2. The petitioner has placed before us a ready reference chart indicating the number of days on which he has worked in between 01.08.1994 to 30.06.1999. The said chart is marked

as 'X' for identification.

3. The learned advocate for the petitioner submits that besides working for periods ranging from 323 days to 353 days in these 5 years set out in annexure 'X', the petitioner is even working today with the Forest Department. However, he has not been given continuous employment.

4. We find from the record that the petitioner was working as a "Majur" (Majdoor / Labourer). He would fall within the definition of workman under Section 2(s) of the Industrial Disputes Act. As such, taking up a petition of such petitioner, who has worked continuously for 5 years till 1999 and has raised a grievance after 21 years, does not inspire us to invoke our extraordinary jurisdiction under Article 226 of the Constitution. The petitioner could very well raise an industrial dispute under Section 2(k) of the Industrial Disputes Act. There is no limitation prescribed under the said Act.

5. In view of the above, this petition is disposed off with liberty to the petitioner to avail of the said remedy.

(S. G. MEHARE, J.)

(RAVINDRA V. GHUGE, J.)

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vmk/-