

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.775 OF 2020

Basavraj Vaijnath Jivane & ors.

...Petitioners

VERSUS

The State of Maharashtra & ors.

...Respondents

Mr B. B. Yenge, Advocate for petitioners;

Mr S. B. Pulkundwar, AGP for respondent Nos.1 & 2;

Mr R. R. Tandale, Advocate for respondent Nos.3 to 5

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

DATE : 13th July, 2021

P.C.

1. On 6.7.2021 we had passed the following order :

"1. None appears for the petitioners, either through the online mode or by remaining present in the Court Hall in which the arrangement to address the Court through Video Conferencing has been made.

2. These petitioners are said to be working as 'part time attendants' on a consolidated pay of Rs.140/- per day. They are claiming absorption and regularization from 22/11/1990 and 26/10/1994 in the permanent employment of respondent No.3/Zilla Parishad, Latur. Prima facie, we find that the remedy available to the petitioners in claiming regularization on the basis of the 'Kalelkar Award', would lie before the Industrial Court at Latur.

3. List this petition on 13/07/2021 for "passing orders".

2. The petitioners seek benefits under the Kalelkar Award. The learned Advocate appearing on behalf of respondent nos.3 to 5 submits that these petitioners are contractual employees.

3. There is no dispute that if the claim of petitioners as regards regularisation is to be entertained, the aspect of leading oral and documentary evidence would have a direct impact on the result of the claims.

4. The learned Advocate for the petitioners, therefore, submits that the petitioners are willing to withdraw this petition so as to avail of a remedy as may be permissible in law.

5. In view of the above, this petition is disposed off as withdrawn. The petitioners would be at liberty to avail of a remedy as may be permissible in law. It be noted that we have not expressed any opinion as regards the merits of the claims of the petitioners.

[S.G. MEHARE, J.]

[RAVINDRA V. GHUGE, J.]

amj