



3 order is corrected pursuant to speaking to minutes order dated 02.12.2024)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 2614 OF 2003

State Of Maharashtra And Ors

VERSUS

Ashok Gopal Patil And Ors

...

Mr. S. V. Hange, Advocate for the Petitioner/State

Mr. V. Y. Patil, Advocate for Respondents

WITH

WRIT PETITION NO. 2951 OF 2003

Pradeep Girdhar Patil

VERSUS

Plantation Officer And Ors

...

Mr. V. Y. Patil, Advocate for the Petitioner

Mr. S. V. Hange, AGP Advocate for Respondents/State

CORAM : R.M. JOSHI, J

DATE : NOVEMBER 28, 2024

COMMON ORDER :

1. These Petitions take exception to the judgment dated 13.03.2013 passed in Complaint ULP No. 1616/1999 (708/1998) whereby complaint filed by the workmen alleging unfair labour practice and seeking permanency came to be allowed.

2. Parties are referred to as workmen and employer for the sake of brevity.

3. Workmen had filed a common complaint before the Industrial Court claiming that they have worked continuously for a period of more than 240 days in each year for 15 to 20 years. It is alleged that non providing of scale of permanent employee amounts to unfair labour practice. With these averments, relief is sought from the Industrial Court directing the employer to pay wages and other monetary benefits of permanent employees to the complainant.

4. There is no dispute about the fact that the said complaint was filed by Ashok Gopal Patil, Pradeep Girdhar Patil, Dnyandeo Waman Choudhari and Sakharam Budha Koli. Learned Industrial Court in the impugned order has granted relief to Complainant Nos. 1 to 3 i.e., Ashok, Pradeep and Dnyandeo. Whereas Sakharam is concerned, he is held to be entitled for the said benefits till the period he was in employment i.e., 19.09.1998. Thus, relief granted to three complaints is same.

5. One of the complainants, Dnyandeo, has preferred Writ Petition bearing No. 2949/2003 against the same order. A Coordinate Bench of this Court by

judgment dated 17.03.2022 directed the employer to send the proposal of the workmen to the competent authority for granting him benefit of Converted Regular Temporary Establishment (CRTE). The said authority was directed to take decision within a period of three months. With these observations, the said Writ Petition was disposed of. There is no denial of the fact that the employer did not challenge the said order. As such, this judgment has attained finality.

6. Learned AGP for the employer has drawn attention of the Court to the affidavit filed by Shri. Kailas Mogal Ahire dated 11.04.2023 pursuant to order passed by this Court dated 007.01.2023. According to him, proposal of the workmen i.e., Dnyandeo is already rejected by the Government in the year 2014 and this was also communicated to the concerned employee. It is claimed that inadvertently this was not pointed out to this Court in its order dated 17.03.2022.

7. Even if the said contention of the learned AGP is accepted, as a matter of fact, the order dated 17.03.2022 passed in Writ Petition No. 2949/2003 has not been taken exception to till date. As such, the

said order shall binds parties.

8. The question arises before this Court as to whether a different view can be taken by this Court than the one taken in the Writ Petition filed by the co-complainant. The candid answer to the same would be in negative.

9. Since no different view can be taken by this Court, these Petitions are disposed of in following terms:

- a) The proposal of the workmen be send for approval to the competent authority for granting benefit of Converted Regular Temporary Establishment (CRTE).
- b) The said authorities are hereby directed to take decision within a period of three months from today.
- c) Needless to say that the competent authority to take into consideration the fact that the case of the present workmen is similar to the case of Dnyandeo.

(R.M. JOSHI, J.)