

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

**37 WRIT PETITION NO.5204 OF 2022
PRATAP RAMCHANDRA JADHAV
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

Mr.D.R. Irale Patil, Advocate for the petitioner.
Mr.S.K. Tambe, AGP for respondent/State.

**CORAM : RAVINDRA V. GHUGE &
ANIL L. PANSARE, JJ.
DATED : 13.06.2022**

PC :-

01. By this petition, the petitioner has putforth prayer clauses (B), (B1) and (C) , which read as under :-

“B) The Hon’ble Court may be pleased to pass appropriate order & issue directions in the nature of Writ of Mandamus or a writ in like nature & direct the Resp. No.2 Commissioner to act upon the resolution no.45 passed by the standing committee in its meeting held on 30.08.2010 & also the compliance of commitment made before the Hon’ble High Court when the W.P. No.4240 of 2011 withdrawn on the grounds of settlement and reinstate the petitioner in service cancelling the impugned termination order dt. 26.07.2007.

B1) The Hon’ble court may be pleased to pass necessary order & direct the Resp.no.2 in case Corporation desires approval of the

Govt. the Corporation to move the proposal & Govt. will accord approval to make the compliance of Resolution No.45 passed by the standing committee on 30.10.2008.

C) The Hon'ble Court may be pleased to issue directions to the Resp. no.2 to make compliance of resolution no.45 passed by the standing committee in its meeting held on 30.08.2010 & also the compliance of commitment made before the Hon'ble High Court when the W.P. No.4240/2011 withdrawn on the grounds of settlement and reinstate the petitioner in service cancelling the impugned termination order dt. 26.07.2007 within time limit."

02. Considering the above, we find that as the petitioner claims to be a Safai Kamgar and would fall within the definition of "Workman" under section 2(s) of the Industrial Disputes Act, 1947 (as a "Worker" under section 2 (zr) of the Industrial Relations Code, 2020) and the respondent being Aurangabad Municipal Corporation which is an "Industry" under section 2(j) of the Industrial Disputes Act (as an "Industry" under section 2(p) of the Industrial Relations Code, 2020), he can espouse his cause against his purported illegal termination by raising an industrial dispute under section 2-A of the Industrial Disputes Act, 1947 (under section 4(9) of the Industrial Relations Code, 2020), which is deemed to be an industrial dispute.

03. In view of the above, this petition is disposed off with the liberty to the petitioner to avail of the remedy as is prescribed in law.

[ANIL L. PANSARE,J.]

[RAVINDRA V. GHUGE,J.]