

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.6790 OF 2021

UKANDRAO PURBHAJI TELI AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Mr.V.B.Dhage, Advocate for the petitioners.

Mr.S.R.Yadav, AGP for respondent No.1.

Mr.M.D.Shinde h/f Mr.M.K.Goyanka, Advocate for respondent No.2.

(CORAM : RAVINDRA V. GHUGE AND
S.G. DIGE, JJ.)

DATE : APRIL 11, 2022

PER COURT :

1. We have briefly heard this matter. The MSRTC had a scheme of granting training to an employee in a particular section after having put in 12 years in employment, for being eligible for promotion.

2. The learned Advocate for the MSRTC submits that the recognized Union entered into a settlement vide which the MSRTC had cancelled the training as a part of considering employees for promotion after completing 12 years.

3. The petitioners have put forth prayer clause “B” and “C” as under :-

"B. Issue writ of mandamus, or any other writ, order or direction in the nature of writ of mandamus, quash and set aside the impugned communication issued by the respondent No.2 dated 10.08.2020 and further direct the respondent No.2 to continue the training program of the petitioners and further hold and declare that the petitioners are entitled for the promotion on the post of the assistance and for that purpose issue necessary orders.

C. Issue writ of mandamus, or any other writ, order or direction in the nature of writ of mandamus, quash and set aside the communication issued by the respondent No.1 dated 04.04.2016 to the extent of struck down the clause No.45 of the agreement and further direct the respondent No.2 to continue the training program of the petitioners and further hold and declare that the petitioners are entitled for the promotion on the post of the assistance and for that purpose issue necessary orders."

4. Considering the disputed questions and the fact that the recognized Union has entered into an agreement with the MSRTC, it would be appropriate for the petitioner to approach the competent Industrial Court under Item 6 and 9 of Schedule IV of the MRTU and PULP Act, 1971, in the event the proceeding being in limitation. Another remedy available is to raise an industrial dispute u/s 2(k) of the Industrial Disputes Act so as to enable the competent authority to

consider reference of the industrial dispute to the Industrial Tribunal.

5. The learned Advocate for the petitioners submits that the petitioners would withdraw this petition with the said liberty.

6. In view of the above, this petition is disposed off. The petitioner is at liberty to avail of a remedy as is permissible in law. The time spent by the petitioners in this Court from 14.06.2021 till the passing of this order, would be a ground for considering condonation of delay.

(S.G. DIGE, J.)

(RAVINDRA V. GHUGE, J.)