

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

Writ Petition No. 5316 of 2022

[Chief Executive Officer, Zilla Parishad Washim, Dist. Washim ..vs.. Dilip S/o Pundalikrao Lade (Since Deceased through LR's) 1-a Rekha Wd/o Dilip Lade and anr.]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. M. L. Vairagade, Advocate for the petitioner
Mrs. M. A. Barabde, A.G.P for the State

CORAM : MANISH PITALE, J.

DATED : 5-9-2022

By this writ petition, the Chief Executive Officer, Zilla Parishad, Washim has approached this Court challenging the judgment and order dated 26-9-2019 passed by the Industrial Court, Akola.

2. By the said judgment and order, the Industrial Court has partly allowed the complaint filed by the deceased complainant and directed that the petitioner shall designate the deceased complainant as Driver since 29-9-2003 and to pay all the difference of wages and difference of arrears of benefits to the legal representatives of the deceased complainant from 29-9-2003 till his death on 11-3-2013.

3. It is the case of the petitioner that the deceased complainant was appointed as a "Parichar" and that even if he had worked as a driver with the Zilla Parishad, since

year 2003, if the impugned judgment and order of the Industrial Court is not interfered with, it would amount to granting relief of regularization in the post of Driver to the deceased complainant.

4. According to the learned counsel for the petitioner – Zilla Parishad, this would be in the teeth of orders passed by this Court and that therefore, interference in the impugned judgment and order is warranted.

5. Few dates are relevant in the present case. The complaint was filed by deceased complainant on 21-12-2012 and it remained pending till it was decided by the impugned judgment and order on 26-9-2019. In the meanwhile, the complainant died on 11-3-2013 and his legal representatives pursued the matter before the Industrial Court.

6. The impugned judgment and order of the Industrial Court records, as a matter of fact, that the zilla parishad took the work of driver from the deceased complainant from the year 2003. It is also a matter of record that the impugned judgment and order was

passed as far back as on 26-9-2019 and the present writ petition was filed almost after one year on 16-9-2020.

7. It is also evident from the record that the writ petition remained under objections till the objections were removed on 30-4-2022. It is in these circumstances that the present writ petition is listed for the first time for consideration of this Court today i.e. on 5-9-2022.

8. This Court is of the opinion that considering the fact that the impugned judgment and order was passed almost three years ago, the complainant died during the pendency of the complaint itself and it appears to be an admitted position that Zilla Parishad did take work of driver from the deceased complainant for a period of about 10 years between the year 2003 till his death on 11-3-2013, it would not be appropriate for this Court to exercise writ jurisdiction in favour of the Zilla Parishad. In the peculiar facts and circumstances of the present case where the aforesaid relief is now granted by the Industrial Court to the legal representatives of deceased complainant, including his widow, no case is made out for interference with the impugned judgment and order.

The question of law sought to be raised on behalf of the zilla parishad can be decided in an appropriate case.

9. In view of the above, the writ petition is dismissed.

JUDGE

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