

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

WRIT PETITION NO. 3085 OF 2020

1) Vinod s/o Devidin Sipahi,
Aged about 47 years, Occupation – Service,
R/o Thakkargram, Pachpaoli, Nagpur.

2) Dinesh s/o Sitaram Tambe,
Aged about 54 years, Occupation – Service,
R/o Plot No. 118, Sudarshan Colony,
New Subhedar Layout, Nagpur.

2) Naresh s/o Shripal Tambe,
Aged about 53 years, Occupation – Service,
R/o Plot No. 103, Old Bagadganj,
Opposite Uttam Tiles, Nagpur.

.... **PETITIONERS**

VERSUS

Nagpur Municipal Corporation,
Civil Lines, Nagpur,
through its Municipal Commissioner.

.... **RESPONDENT**

Mr. Nitesh Samundre, Counsel for the petitioners,
Mr. S.N. Bhattad, Counsel for the respondent.

CORAM : ROHIT B. DEO, J.

DATED : 4th MAY, 2022

ORAL JUDGMENT :

Heard. **Rule.** Rule made returnable forthwith. With consent, the petition is heard finally.

2. Rashtriya Nagpur Corporation Association espoused the cause on behalf of as many as thirty-seven employees whose names are reflected in paragraph 2 of the complaint.

3. The relief which is sought, is of regularisation on the post of Driver.

4. The Industrial Court partly allowed the complaint, of which the operative part reads thus :

“1. The complaint is hereby partly allowed.

2. It is declared that the respondents are indulged in unfair labour practice particularly under Item Nos.5 & 6 of Schedule IV of the M.R.T.U. & P.U.L.P. Act.

3. The respondent are directed to desist from continuing the unfair labour practice.

4. The complainants as mentioned in para no.2 of the complaint particularly following serial numbers are entitled for regularisation and all the service benefits including time-bound higher pay-scale from the date of their eligibility.

<i>Sr.Nos.</i>	<i>Name of complainants/claimants</i>
<i>1</i>	<i>Manohar Hiralal Kanojia</i>
<i>5</i>	<i>Pruthviraj Vishwanath Patil</i>
<i>6</i>	<i>Sunil Mohan Samudre</i>
<i>7</i>	<i>Udal Bhaiyalal Khare</i>
<i>8</i>	<i>Rajesh R. Gaydhane</i>
<i>9</i>	<i>Gulab S. Dhopate</i>
<i>10</i>	<i>Sheikh Shabbir Sheikh Amin</i>
<i>11</i>	<i>Dattatrey M. Satpute</i>

14	<i>Madhukar Bhaduji Patil</i>
15	<i>Suresh Govinda Patil</i>
17	<i>Pankaj Marotrao Wakade</i>
19	<i>Harikishan B. Sharma</i>
20	<i>Rammurthi Sharma</i>
21	<i>Dipak V. Utane</i>
22	<i>Vilas Gopichan Ramteke</i>
23	<i>Sunil Ashok Damankar</i>
24	<i>Mahendra Nandkishor Damankar</i>
26	<i>Anil Chandrapal Dahat</i>
31	<i>Rajesh Ramdas Chavan</i>
32	<i>Mohd. Sajid Mohd. Usuf Sheikh</i>
33	<i>Shivnath Munnalal Sikalwar</i>
35	<i>Suresh Krishnarao Dange</i>
36	<i>Sunil G. Thakre</i>

5. *The complainants, who have filed their examination-in-chief on affidavit and remained absent for cross-examination as well to lead evidence, their claim stands rejected.*

6. *In peculiar circumstances, no order as to costs.”*

5. No relief is granted to the petitioners on the premise that they did not step into the witness box.

6. The learned Counsel for the Corporation was requested to ascertain whether the petitioners are similarly situated as the employee who are granted relief.

7. The answer is in the 'affirmative'.
8. In this view of the matter, the petition is disposed of by modifying the order impugned and substituting the same with the direction that the petitioners shall be entitled to the same relief as is granted by the order impugned to the employees named in paragraph 4 of the operative part.
9. According to Mr. S.N. Bhattad, there are certain uncharitable averments in the petition, which are unwarranted and factually incorrect. The learned Counsel for the petitioners states that if there are allegations in the complaint against the counsel or then the officers of the Corporation, the same shall stand withdrawn.
10. The petition is disposed of in the afore-stated terms.

JUDGE

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