

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

WRIT PETITION NO. 8135 OF 2017

Shakil Rashid Khan Pathan Vs. State of Maharashtra, through its Secretary,
Department of Town Planning and Municipal Administration, Mantralaya,
Mumbai and others

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

Court's or Judge's orders.

Shri S.U. Bhuyar, Advocate for petitioner.
Ms H.N. Jaipurkar, AGP for respondent nos.1 and 2.
Shri M.P.Kariya, Advocate for respondent no.3.

CORAM : AMIT B. BORKAR, J.
DATE : JULY 12, 2022.

According to the petitioner, he was appointed on daily wages in the year 1990 by respondent no.3. The compliant ULPN No.156/2000 was filed alleging that the employees junior to petitioner were regularized. The Industrial Court by order dated 11.07.2005 directed to regularize the services of petitioner with consequential monetary benefits. The respondent no.3 filed Writ Petition No.6563/2005 challenging the order dated 11.07.2005. This Court, by order dated 05.02.2007, remanded the matter back to the Industrial Court for a fresh trial. The Industrial Court by order dated 01.11.2007 dismissed the complaint of the petitioner. The present petition is filed on 07.10.2017. The explanation to delay/latches in filing the petition, petitioner has stated that the employees junior to the petitioner have been regularized in service and therefore the delay/latches deserves to be condoned.

2. It is an undisputed fact that in the meanwhile the State of Maharashtra issued Government Resolution regularizing services of the petitioner. According to the petitioner, though his service has been regularized, seniority of the petitioner has not been fixed in accordance with law. According to the petitioner, representation made by him to the Chief Officer has been sent to the Divisional Commissioner. Therefore, according to him, interest of justice would be served if the communication dated 10.02.2020 is decided by the Divisional Commissioner, Municipal Council Administration, Nagpur Division, Nagpur.

3. In view of the facts of the present case, no interference with the order of Industrial Court has been called for. But it is made clear that issue of seniority in relation with regularization of petitioner is kept open to be agitated before appropriate forum. In the facts of the present case, the Divisional Commissioner, Municipal Council Administration, Nagpur Division, Nagpur is directed to decide the communication dated 10.02.2020 sent by Chief Officer, Municipal Council, Hinganghat within a period of three months from today. The petition stands disposed of above terms. No costs.

JUDGE

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