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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.1748 OF 2021

Yadav Yogaji Ingle
Age – 44 years, Occ – Labour
R/o Kasrali, Post – Kasrali,
Taluka – Biloli, District - Nanded

PETITIONER

VERSUS

The Nanded District Central Co-operative
Bank Ltd., Nanded
Station Road, Nanded
Taluka and District – Nanded
Through its Managing Director

RESPONDENT

WITH
WRIT PETITION NO.1890 OF 2021

1. Rajeshwar Madhavrao Hingole
Age – 38 years, Occ – Labour
R/o Kutubshahapurwadi,
Taluka – Degloor, District – Nanded
2. Balaji Sheshrao Khanapure
Age – 39 years, Occ – Labour
R/o Gawadgaon, Post – Ballur
Taluka – Degloor, District – Nanded
3. Shridhar Lahurao Biradar
Age – 37 years, Occ -Labour
R/o Khutmapur, Post – Hanegaon,
Taluka – Degloor, District – Nanded
4. Gorakshanath Raghunath Deshmukh
Age – 38 years, Occ – Labour
R/o Dhosani, Post – Kawalgaon
Taluka – Degloor, District - Nanded
5. Bhagwan Gangadhar Jalne
Age – 44 years, Occ – Labour
R/o Wazarga, Post – Vannali

PETITIONERS

Taluka – Degloor, District – Nanded

6. Rupesh Ranjeetrao Desai
Age – 40 years, Occ – Labour
R/o Degaon (B) Post – Degaon
Taluka – Degloor, District – Nanded
7. Sanjay Digambarrao Ingle
Age – 40 years, Occ – Labour
R/o Bhaktapur, Post – Hottal
Taluka – Degloor, District – Nanded
8. Shaikh Mainoddin Shaikh Jalalsab
Age – 42 years, Occ – Labour
R/o Devapur, Post – Hottal
Taluka – Degloor, District – Nanded
9. Anil Hulreddy Ardhe
Age – 41 years Occ -Labour
R/o Morkhel,
Taluka – Degloor, District – Nanded
10. Hanmant Baburao Birajdar
Age – 39 years, Occ – Labour
R/o Kathewadi, Post – Hottal
Taluka – Degloor, District – Nanded
11. Sanjay Laxmanrao Patil
Age – 45 years, Occ – Labour
R/o Shivbanagar, Degloor
Taluka – Degloor, District – Nanded
12. Mohammad Ahmadmiya
Age – 43 years, Occ – Labour
R/o Azad Colony, Degloor
Taluka – Degloor, District – Nanded

VERSUS

The Nanded District Central Co-operative
Bank Ltd., Nanded
Station Road, Nanded
Taluka and District – Nanded
Through its Managing Director

RESPONDENT

WITH
WRIT PETITION NO.1891 OF 2021

Babu Kondiba Waghmare
Age – 44 years, Occ – Labour
R/o At Post Khatgaon,
Taluka – Biloli, District - Nanded

PETITIONER

VERSUS

The Nanded District Central Co-operative
Bank Ltd., Nanded
Station Road, Nanded
Taluka and District – Nanded
Through its Managing Director

RESPONDENT

WITH
WRIT PETITION NO.1892 OF 2021

1. Tanaji Vyankatrao Hingole
Age – 44 years, Occ – Labour
R/o Kutubshahapurwadi, Post Hottal
Taluka – Degloor, District – Nanded
2. Manohar Manikrao Ingole
Age – 40 years, Occ – Labour
R/o Tupdal,
Taluka – Mukhed, District – Nanded
3. Shivaji Hanmantrao Wadekar (Patil)
Age – 43 years, Occ -Labour
R/o Bhokaskheda, Post – Kawalgaon
Taluka – Degloor, District – Nanded
4. Bhagwat Venkatrao Aglawe
Age – 38 years, Occ – Labour
R/o Sangvi Bhadev, Post- Ambulga (BK)
Taluka – Mukhed, District - Nanded

PETITIONERS

VERSUS

The Nanded District Central Co-operative
Bank Ltd., Nanded
Station Road, Nanded
Taluka and District – Nanded

RESPONDENT

Through its Managing Director

WITH
WRIT PETITION NO.1893 OF 2021

Ramchandra Gangaram Male
Age – 40 years, Occ – Labour
R/o Shahapur, Taluka – Degloor
District - Nanded

PETITIONER

VERSUS

The Nanded District Central Co-operative
Bank Ltd., Nanded
Station Road, Nanded
Taluka and District – Nanded
Through its Managing Director

RESPONDENT

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Mr. Vivek J. Dhage, Advocate for the petitioners
Mr. Kamlakar J. Suryawanshi, Advocate for the respondent

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 11th JULY, 2023

JUDGMENT :

1. Rule. Rule made returnable forthwith. Heard finally with the consent of the learned advocates for the parties.
2. Since all these petitions raise similar question of law and fact, they were heard together and are being decided by this common judgment.
3. These petitions, filed under Article 226 and 227 of the Constitution of India, challenge the judgments and orders passed

by Industrial Court, Jalna dated 1st April, 2005, thereby dismissing the complaints claiming permanency, filed by the petitioners.

4. Since, there is inordinate delay in filing the present writ petitions, learned advocate for the petitioners restricts his prayer to the extent of seeking directions to the respondent – Bank, in terms of section 25 (H) of the Industrial Disputes Act. He submits that since the petitioners are retrenched and there is inordinate delay in filing the present writ petitions, the petitioners restrict their prayer to the extent of seeking direction to the respondent – Bank that in case the Bank proposes to recruit any person in future, then the petitioners may be given an opportunity to compete and they may be given preference over other persons.

5. By filing reply, the respondent – Bank has opposed the petitions on the ground of delay and laches and also on merits. It is contended that some of the petitioners have already approached this Court, challenging the same judgment and order, by filing writ petition No. 4436 of 2005, which is filed on behalf of 250 workmen / erstwhile employees of the Bank. A specific averment is made in the affidavit in reply that petitioner Nos. 1, 5, 10 and 11 in writ petition No.1890 of 2021, sole

petitioner in writ petition No.1891 of 2021, petitioner Nos.1, 3 and 4 in writ petition No. 1892 of 2021 and the sole petitioner in writ petition No. 1893 of 2021 are the petitioners in writ petition No. 4436 of 2005. It is further averred that the said petition is still pending in this Court.

7. Learned advocate for the respondent – Bank submits that there is inordinate delay and laches on the part of the petitioners in approaching this Court. The complaint (ULP) was filed in the year 2001 and was dismissed in the year 2005 and the present petitions are filed in the year 2021. He further submits that the petitioners were working as daily wagers and hence, they cannot claim equitable relief, by relying on section 25 (H) of the Industrial Disputes Act.

6. Inordinate delay in filing present petitions is writ large on the face of record. The complaints seeking permanency were filed by the petitioners in the year 2001 and those were dismissed in the year 2005. Present petitions are filed in the year 2021 challenging the order passed in the year 2005. It is also clear from the record that there is absolutely no explanation given by the petitioners for approaching this Court with inordinate delay. It also appears from the record that at the time of retrenchment, the petitioners were working as daily wagers.

7. It is evident from the record that delay of more than 16 years in filing these petitions is not explained by the petitioners. The only explanation given by them that since the petitioners are poor, they could not approach this Court at earlier point of time, is unacceptable and cannot be said to be sufficient for entertaining these petitions, which are filed after more than 16 years. The petitions are, therefore, dismissed on the ground of delay and laches.

10. If the respondent Bank proposes to fill in any post, it may consider the claim of the petitioners in terms of section 25 (H) of the Industrial Disputes Act, if the petitioners are otherwise eligible and qualified.

11. It is made clear that the above directions shall not operate in favour of petitioner Nos. 1, 5, 10 and 11 in writ petition No.1890 of 2021, sole petitioner in writ petition No.1891 of 2021, petitioner Nos.1, 3 and 4 in writ petition No. 1892 of 2021 and the sole petitioner in writ petition No. 1893 of 2021, who are petitioners in writ petition No. 4436 of 2005.

[NITIN B. SURYAWANSHI]
JUDGE