

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.7148 OF 2020

**VICE PRESIDENT AND MANAGING DIRECTOR, THE MAHARASHTRA
STATE ROAD TRANSPORT CORPORATION AND ANOTHER
VERSUS
AAYUB MURTUJA PATHAN**

...

Advocate for Petitioners : Mr. M.K. Goyanka
Advocate for Respondent : Mr. Nitin L. Dhobale

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CORAM : NITIN B. SURYAWANSHI, J.

DATE : 11th OCTOBER, 2023

PER COURT :

1. Petitioner corporation is aggrieved by order dated 15/04/2019, passed by learned Member, Industrial Court, Latur, in Complaint (ULP) No.106/2017, thereby partly allowing complaint filed by respondent.

2. Respondent joined corporation on 14/10/1983 as Helper/Madatnis. He was taken on temporary time scale on 19/12/1984. He was granted time scale w.e.f. 16/01/1991. By filing Complaint (ULP) No.106/2017 before Industrial Court, Latur, respondent sought regular time scale from 14/04/1984 to 16/01/1991. By filing written statement, petitioner opposed complaint contending that, on completion of 180 days respondent was taken into Daily Wage Group-II, on 19/12/1984, as there was no vacant post available in open category. He was granted benefits

as per rules applicable at that point of time. Annual increment and other monetary benefits were granted to him. When vacant post was available in open category on 16/01/1991, he was taken on regular time scale.

3. Industrial Court, after recording evidence and hearing parties, partly allowed complaint and directed petitioner corporation to extend benefits as available to regular employees on time scale to respondent on completion of 180 days from the date of initial appointment. This order is impugned in present petition.

4. Heard learned advocate for petitioners and learned advocate for respondent. Perused writ petition memo, annexures thereto and impugned order.

5. Impugned decision is challenged mainly on the ground that, no vacant post was available when respondent completed 180 days of service and therefore, he could not be given regular time scale at that point of time. Perusal of record indicates that no document is placed on record by petitioner to substantiate its contention that when respondent completed 180 days of continuous service, no vacant post was available. Industrial Court, therefore, was justified in partly allowing complaint filed by respondent by well reasoned order.

6. No case is made out by petitioner to warrant interference in findings of fact recorded by Industrial Court, in exercise of extraordinary writ jurisdiction. Industrial Court has properly appreciated documents placed before it and has partly allowed complaint by giving sound reasons. No illegality or perversity is found in order impugned in present petition. Writ petition being devoid of merit, is dismissed.

7. Since this decision is rendered in peculiar facts of present case, it may not be cited as precedent in other matters.

(NITIN B. SURYAWANSHI, J.)