

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

WRIT PETITION NO.7471 OF 2018

**UPDHYAKSHA VA VYAVASTHAPKIYA SANCHALAK MAHARASHTRA
RAJYA MARG PARIVAHAN MAHAMANDAL MUMBAI AND ANOTHER
VERSUS
RAMESH MANIKRAO BHADIKAR**

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Advocate for Petitioners : Ms. Ranjana D. Reddy

Advocate for Respondent : Mr. Nitin L. Dhobale

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CORAM : NITIN B. SURYAWANSHI, J.

DATE : 11th OCTOBER, 2023

PER COURT :

1. By this petition filed under Article 226 and 227 of the Constitution of India, petitioners challenge order dated 31/08/2017, passed by learned Member, Industrial Court, Latur, in Complaint (ULP) No.87/2016, thereby partly allowing complaint filed by respondent.

2. Respondent was appointed as Helper (Rojandari Madatnis) w.e.f 11/05/1987, on compassionate basis due to demise of his father. He was taken on temporary time scale. Thereafter, on 21/09/1995, respondent was brought on regular time scale. By filing Complaint (ULP) No.87/2016 before Industrial Court, Latur, respondent sought regular time scale w.e.f 15/12/1987, when respondent completed 180 days service. By filing written statement, petitioners opposed complaint contending that, complaint is barred

by limitation. On completion of 180 days, respondent was continued on temporary time scale, as post of Helper was not vacant. 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 on 21/09/1995, he was taken on regular time scale.

3. Industrial Court, after recording evidence and hearing parties, partly allowed complaint and directed petitioners 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 status of vacant posts in Helper category as on 07/05/1987, is shown as 10 vacant posts. 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.)