

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

924 WRIT PETITION NO.9330 OF 2023

**GAUTUM SUKHRAM HIWRALE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS**

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Ms. Neha Kamble Advocate for Petitioners
Mr. S. K. Tambe, AGP for Respondents State
Mr. N. K. Chaudhari, Advocate for Respondent No.2
Mr. S.S. Thombre, Advocate for Respondent No.3.

CORAM : RAVINDRA V. GHUGE &
Y. G. KHOBRAGADE, JJ.

DATE : 27th September, 2023

ORDER:

1. We have heard the learned Advocates for the respective sides.
2. Prayer clause (B) reads as under:

"(B)By issuing writ of mandamus the respondent No.3 be directed to deposit the EPF amount in the respective PF accounts of the petitioners for the period from August, 2010 to April, 2012 alongwith interest @ 12% p.a. from 2008 within 4 weeks."

3. With reference to the above prayer, we direct the Provident Fund Department to initiate such steps as are permissible under the Employees Provident Fund and Miscellaneous Provisions Act, 1952 and the Schemes/Rules framed thereunder, so as to ensure that Provident Fund contributions to the extent of the Petitioners' (Employees) and the Employer's (Contractor) shares are deposited alongwith interest considering Section 7-A, Section 14-B and Section 7-Q of the Act, if

not already deposited. All these steps be taken and concluded expeditiously, not later than 6 months.

4. Prayer Clause (C) and (D) read as under:

"(C) By issuing writ of Mandamus, the respondent No.3 be directed to consider the candidature of the petitioners on priority when the recruitment process would be initiated for Class-3 and Class-4 posts.

(D) By issuing writ of mandamus the Reference (IT) No. 3/2012 and 09/2011 pending since a decade be directed to be disposed off within a specified period, at the earliest."

5. The above mentioned two Reference cases (prayer clause D) are pending before the Industrial Tribunal at Aurangabad for almost 12 years. Rights of these Petitioners to the extent of purportedly having discharged duties as contractual employees for more than two decades with the University or a right for absorption, are subject matter of these two Reference cases. We, therefore, request the learned Presiding Officer, Industrial Tribunal, Aurangabad to deal with these two cases as expeditiously as possible and conclude the said proceedings, on or before 31.03.2024, since they are at the stage of cross examination of the First Party. Hence, prayer Clauses (C) and (D) will be taken care of in the pending Reference cases.

6. With the above directions, **this Petition is disposed off.**

(Y. G. KHOBRAGADE, J.)

(RAVINDRA V. GHUGE, J.)