

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

20 WRIT PETITION NO.13320 OF 2022

**RAVINDRA EKNATH GAIKWAD
VERSUS
SOCIAL FORESTRY DEPARTMENT
THROUGH ITS DEPUTY DIRECTOR**

...
Advocate for Petitioner : Mr. Shivprasad G. Jadhavar

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**CORAM : SHARMILA U. DESHMUKH, J.
DATE : 11-01-2023**

PER COURT :

. Heard the learned counsel appearing for the petitioner.

2. The petitioner is aggrieved by the award dated 06.06.2022 passed by Labour Court, Latur in Reference IDA No.92 of 1996 (Old), 1 of 2022 (New) whereby the reference came to be rejected. It was the case of the petitioner in Reference IDA No.92 of 1996 that the petitioner was working as a Watchman with the respondent on daily wages as against vacant, sanctioned and clear post with effect from 05.08.1988 and that he had worked continuously for a period of 240 days in each preceding year. It is his case that his services came to be terminated on 31.12.1990. The respondent filed its written-statement and denied the claim of the petitioner. It was stated in the written-statement that the petitioner was employed on daily wages under different schemes of

the Social Forestry Department. It was denied that he had worked as a Watchman. It was asserted that there is no sanctioned post of Watchman.

3. In support of his contention, the respondent had produced on record the chart showing the working days of the petitioner from August-1988 to August-1998. Witness of the respondent was not examined on the given chart. The chart produced by the respondent in the written-statement shows that the petitioner was working for a period of 237 days under RLEGP scheme for the period from August-1988 to March-1989 and further under the Jawahar Rojgar Yojana for the period from August-1989 to March-1990 and under the Gram Yojana from April-1990 to March-1991. As such, it is evident that the petitioner had not worked continuously with the respondent for a period of 240 days in a year and was employed under different schemes. The findings of the Labour Court show that the petitioner had not produced any documentary evidence on record and it is also admitted by the petitioner that the post of Watchman was not available with the respondent.

4. On the basis of the evidence which has been produced on

record, the Labour Court has come to a finding that the respondent has worked as a daily wager and had not worked continuously for a period of 240 days in a year.

5. The learned counsel for the petitioner submits that the chart which has been produced by the respondent, in fact shows that the petitioner had worked for a period of 240 days in a year. He invited the attention of this Court to the written-statement of the respondent and particularly at page-16. Perusal of the page-16, which is a chart in the written-statement, shows that there is no continuous employment of 240 days in a year.

6. Considering the above, there is no perversity in the findings of the Labour Court. I am not inclined to interfere with the impugned order of the Labour Court. The writ petition is devoid of merits and the same is accordingly dismissed.

(SHARMILA U. DESHMUKH, J.)