

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1859 OF 2008
WITH
CIVIL APPLICATION NO.1041 OF 2012
IN
WRIT PETITION NO.1859 OF 2008

Pune Mahanagarपालिका Kamgar
Union

....Applicant/Petitioner

V/S

Pune Municipal Corporation

....Respondents

...

Mr. Seema Sarnaik for the Petitioner/Applicant.

Mr. Abhijit P. Kulkarni a/w Mr. Krushna Jaybhay for Respondent.

...

CORAM: SANDEEP V. MARNE, J.

DATE : AUGUST 25, 2023.

P.C.:

1 By this Petition, Petitioner-Pune Mahanagarपालिका Kamgar Union has challenged the judgment and order dated 6 January 2007 passed by the Industrial Court, Pune, in Complaint (ULP) No.136 of 2003. The Industrial Court has returned the Complaint for presentation to the proper forum by recording a finding that the Industrial Court has no jurisdiction to entertain and decide the Complaint.

2 Before the Industrial Court, the Petitioner-Union was representing cause of 117 casual employees engaged in the encroachment department

of the Respondent-Municipal Corporation They demanded regularization in service.

3 Both the learned Counsels appearing for the parties would agree that during pendency of litigation the Respondent-Municipal Corporation has progressively absorbed the casual employees working in the encroachment department from time to time. It is also common ground that as of now only 13 of the casual employees remain to be regularized.

4 Ms. Sarnaik, the learned Counsel appearing for the Petitioner-Union would submit that there are sanctioned vacancies existing against which cases of those remaining 13 casual employees can also be considered for regularization. Mr. Kulkarni, the learned Counsel appearing for the Respondent-Municipal Corporation would not dispute the position that the Respondent-Municipal Corporation has regularized casual employees from time to time. It appears that before the Industrial Court itself the witness examined by the Respondent-Municipal Corporation had made a statement that the employees would be regularized as and when vacancies arise. However, he is unable to make any definitive statement as to whether vacancies do exist for absorption of the remaining 13 casual employees as well

5 In view of the position that exists today, in my view, the present Petition can be disposed of by directing the Respondent-Municipal

Corporation to examine whether sanctioned vacancies exist for consideration of cases of remaining 13 casual employees for regularization. If the Respondent-Municipal Corporation comes to conclusion that vacancies are available for considering their cases for regularization and if they fulfill the criteria for regularization, the Respondent- Municipal Corporation shall regularize their services on par with other similarly placed employees. The exercise be carried out within a period of two months from today. The Writ Petition is accordingly disposed of. No order as to costs.

7 In view of the disposal of the Writ Petition, the Civil Application is also disposed of accordingly.

(SANDEEP V. MARNE, J.)