

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.2410 OF 2018

Manohar S/o Sampat Khodke .Vs. Executive Engineer, Construction Division, Zilla
Parishad, Washim

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri Anup Dhore, Advocate for the petitioner.

Shri H.N. Jaipurkar, A.G.P. for the respondent/State.

CORAM : ANIL S. KILOR, J.

DATED : 04/07/2023

1. Heard.

2. The termination of the petitioner as an employee of the Zilla Parishad was challenged before the Labour Court who dismisses the complaint vide judgment and order dated 18.03.2008 on the ground that, the petitioner was working as unskilled labour under the Employment Guarantee Scheme and as the said scheme is not an Industry, the complaint is not maintainable. The said judgment and order was upheld by the learned Industrial Court vide judgment and order dated 05.03.2014 which is the subject matter of the present writ petition.

3. On perusal of the complaint filed before the learned Labour Court by the petitioner, it can be revealed that, there are no pleadings as regards in which department,

the petitioner was working and nature of work he was preferring. The only pleadings made namely that, he is in employment of respondent – Zilla Parishad and discharging his service regularly and continuously.

4. However, on the basis of the evidence, the Court has recorded that, the petitioner was working as unskilled labour in an Employment Guarantee Scheme, which is not an Industry and therefore, the Court held against petitioner.

5. The Co-ordinate bench of this Court in the case of *Deputy Engineer, Zilla Parishad (Works Sub-Division), Chamorshi, District Gadchiroli Vs. Eknath s/o Vithoba Latare* has held that, the Employment Guarantee Scheme is not an Industry.

6. Thus, in light of the above said judgment in the case of *Deputy Engineer, Zilla Parishad* (Supra), I do not find any error committed by the learned Labour Court while rejecting the complaint and by the Industrial Court while dismissing the revision preferred by the petitioner against the order of the Labour Court. Accordingly, the writ petition is **dismissed**.

JUDGE