



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

Writ Petition No.4381/2022

Anant V The State of Maharashtra and others

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Mr. A.S. Dhore, Adv for petitioner.
Mrs. K. Joshi, AGP for resp. nos. 1 to 5.

CORAM : AVINASH G GHAROTE &
URMILA JOSHI-PHALKE, JJ.
DATE : 01-09-2023

The judgment dated 13-11-2014 of the learned Industrial Court in Complaint (ULPN) No.623/97 directs regularization of the services of the complainant and to provide all service benefits from the date since he is legally entitled (pg 38). This judgment stands confirmed by dismissal of Writ Petition No. 2105/16 on 22-3-17. In spite of this, by impugned order dated 29-3-17 the respondents have held that the petitioner is entitled to the benefits from the date of the judgment of the learned Industrial Court. The judgment of the learned Industrial Court in para 14 (pg 38) has found that the standing orders are applicable to the respondent establishment according to which if any employee has completed 240 days of service in establishment and if the post is vacant, then the department has to regularize his services. In light of this observation, it was not permissible for the respondents to hold that the petitioner was entitled to the service benefits from the date of the judgment of the

learned Industrial Court.

2. The impugned order is therefore quashed and set aside and the matter is remitted back to respondent no.1 to decide the issue of entitlement of the petitioner in light of what has been held in judgment of the learned Industrial Court dated 13-11-2014. This entire exercise shall be done within four weeks from today and the entitlement be paid to the petitioner within four weeks thereafter.

3. Learned AGP is directed to forward this copy to respondent no.1 by e-mail on 04-09-2023.

JUDGE

JUDGE