

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

WRIT PETITION NO. 4738 OF 2019

Vidarbha Rashtriya Electrical Workers' Union __ Vs. __ M.S.Electricity Board and ors

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. P.C.Marpakwar, Advocate for petitioner

Mr. A.D.Mohgaonkar, Advocate for respondent nos. 1, 2, 4 to 6

Mr. A.M.Ghare, Advocate for respondent No. 3

CORAM : AVINASH G. GHAROTE, J.

DATE : 15/06/2023

1] Heard Mr. Marpakwar, learned counsel for the petitioner, Mr. Mohgaonkar, learned counsel for respondent nos. 1, 2, 4 to 6 and Mr. Ghare, learned counsel for the respondent no. 3.

2] The petition challenges the judgment dated 13.6.2018 passed by the learned Industrial Court, whereby the complaint filed by the petitioner Union claiming benefits of the circular dated 21.7.2005 has been rejected.

3] It is contended by Mr. Marpakwar, learned counsel for the petitioner that since the employees of the petitioner Union engaged in the Fire Department were also technical staff, therefore, the circular would be applicable to them and they would be entitled to its benefits.

4] A perusal of the relevant provisions of the circular reproduced in para 13 of the impugned judgment (page 99 onwards) would indicate that this

circular defines 'technical staff/category' and also delineates which post would be entitled to the benefits of the said circular. A perusal therefore would indicate that these are all persons who are involved in the generation and transmission of electricity. The persons working in the Fire Department would therefore, considering the above, would not fall within the expression "technical staff" as contemplated by the circular dated 21.7.2005.

5] The plea that the Department of Atomic Energy was treating fire services as technical service, could not be of any assistance to the petitioner, as that cannot be something which can be said to have been imported or incorporated in the circular dated 21.7.2005, which has to be read on its own terms. In that light of the matter, I am not inclined to interfere in the impugned judgment and dismiss the complaint on the above ground.

6] In so far as the finding rendered as to issue no. 2 that the complaint was not maintainable being an unrecognized Union, it is made clear that the findings will not come in the way of the petitioner to approach the Courts in respect of any grievance with it seeks to raise regarding its members.

7] The petition is dismissed. No costs.

JUDGE

Rvjalit

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VASANTRAO JALIT
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Signing Date:15.06.2023 16:51