

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

WRIT PETITION NO.136/2013

- PETITIONERS :** 1. The Joint Director of Health Services (Leprosy),
Parivartan building, Arogya Bhavan, Opposite
Vishrantwadi Police Station, Alandi Road,
Yerwada, Pune – 6.
2. The Assistant Director Health Services (Leprosy),
Yavatmal, Tq. And District Yavatmal.

...VERSUS...

RESPONDENT: Shailendra Prabhakar Rao Bhoyar,
Aged about – Major, R/o Sai Nagar,
Wardha, Tq. and Distt. Wardha, at present
R/o Pandharkawada, Tq. Kelapur, Distt.
Yavatmal.

WITH

WRIT PETITION NO.102/2013

- PETITIONERS :** 1. The Joint Director of Health Services (Leprosy),
Parivartan building, Arogya Bhavan, Opposite
Vishrantwadi Police Station, Alandi Road,
Yerwada, Pune – 6.
2. The Assistant Director Health Services (Leprosy),
Yavatmal, Tq. And District Yavatmal.

...VERSUS...

RESPONDENT: Narendra Anantrao Umbarkar,
Aged about – Major, R/o Mahatma Fule Housing
Society, Yavatmal, Tq. And Distt. Yavatmal.

WITH

WRIT PETITION NO.137/2013

- PETITIONERS :** 1. The Joint Director of Health Services (Leprosy),
Parivartan building, Arogya Bhavan, Opposite
Vishrantwadi Police Station, Alandi Road,
Yerwada, Pune – 6.
2. The Assistant Director Health Services (Leprosy),
Yavatmal, Tq. And District Yavatmal.

...VERSUS...

RESPONDENT: Mahesh Vasantrao Suryavanshi,
Aged about – Major,
R/o Parwati Lay Out, Umarsara, Tq. And
Distt. Yavatmal.

WITH

WRIT PETITION NO.351/2013

- PETITIONERS :** 1. The Joint Director of Health Services (Leprosy),
Parivartan building, Arogya Bhavan, Opposite
Vishrantwadi Police Station, Alandi Road,
Yerwada, Pune – 6.
2. The Assistant Director Health Services (Leprosy),
Yavatmal, Tq. And District Yavatmal.

...VERSUS...

RESPONDENT: Sharad Pandurang Athawale,
Aged about – Major, R/o Zilla Parishad
Colony, Umarched, Tq. - Umarched,
Distt. Yavatmal.

CORAM : AVINASH G. GHAROTE, J.

DATE : 29/03/2023

ORAL JUDGMENT

1. Heard Shri N.R. Patil, learned Assistant Government Pleader for the petitioners and Shri C.V. Jagdale, learned counsel for the respondents.

2. All these petitions question the judgments of the learned Labour Court, whereby the termination of the respondents by the orders dated 16/12/2000, 28/06/2000, 13/06/2000 and 26/11/2000 respectively was quashed and set aside and the respondents/complainants were directed to be reinstated with continuity in service without back wages. A revision against the same came to be dismissed by the learned Industrial Court by the judgment dated 21/07/2011.

3. The judgments of the learned Labour Court record a categorical finding that the respondents/complainants had completed more than 240 days in a year preceding the date of termination and therefore, the satisfaction of the requirement of Section 25 F of the Industrial Disputes Act was mandatory, which was not done.

4. Shri N.R. Patil, learned Assistant Government Pleader has not been able to point out the satisfaction of the requirement of

Section 25 F of the Industrial Disputes Act, considering which, I do not see any reason to interfere in the impugned judgments. The writ petitions are, therefore, dismissed. Rule stands discharged. No order as to costs.

5. Needless to say that since it is contended by the petitioners that there are no posts available, the petitioners would be entitled to take such action, as they deemed fit and appropriate in law, considering that position.

(AVINASH G. GHAROTE, J.)

Wadkar