



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

Writ Petition (WP) No. 8634 of 2018

Ramesh S/o Shripatrao Bodhankar

Versus

**Maharashtra State Text Book Bureau and Distribution Centre, Nagpur
and others**

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

Court's or Judge's Order

Shri M.B.Agasti, Advocate for the petitioner.

Ms. Aarti Singh Advocate h/f Shri P.D.Meghe, Advocate
for the respondent nos. 1 and 2.

Ms. H.N.Jaipurkar, AGP for the respondent/State.

CORAM : ANIL S. KILOR, J.

DATED : 25th SEPTEMBER, 2023.

Heard.

2. The petitioner was working as a daily wager with respondent and he filed the complaint before the Industrial Court for regularisation.

3. The said matter was settled on 16th October, 2005 and thereby it was agreed between the parties that respondent shall issue an appointment order as 'Sewak' to the petitioner.

4. In compliance with the same, the respondent issued appointment order in favour of the petitioner on 26th December, 2005 appointing the petitioner as 'Sewak' w.e.f 2nd January, 2006.

Thereupon, the petitioner filed another complaint i.e. complaint ULP No. 352 of 2016 before the learned Industrial Court for grant of increment due and payable on 1st July, considering his appointment from 1st January, 2006.

5. The said request was opposed by the respondent on the ground that the appointment of the petitioner was from 2nd January, 2006 and not from 1st January, 2006 and as such the petitioner does not fulfill the criteria of completion of six months service or more than six months service for claiming increment on 1st July.

6. The said complaint came to be dismissed by the learned Industrial Court vide impugned order dated 3rd April, 2017.

7. Shri Agasti, learned counsel for the petitioner submits that on 1st January, 2006 there was a Sunday and being holiday the appointment was given on 2nd January, 2006. He therefore submits that if there was a holiday on 1st January and the employee joined on 2nd January, the said appointment shall be considered from 1st January. He, therefore, submits that if the appointment of the petitioner is considered from 1st January, he is entitled for increment on 1st July.

8. I do not find any favour with the submission made by the learned counsel for the petitioner for the simple reason that it is not the case of the petitioner that his appointment is with effect from 1st January, 2006 and being holiday he joined on 2nd January, 2006.

9. There is a specific clause making any employee entitled for increment on 1st July on completion of period of six months or more. However, if any employee gets higher pay scale during the period from 2nd January and 30th June, such employee is entitled for increment from 1st July of next year.

10. Admittedly, the appointment order sufficiently shows that the appointment of the petitioner was not with effect from 1st January, 2006 but it was 2nd January, 2006 and as such the learned Industrial Court has not committed any error in denying the relief sought by the petitioner.

11. In that view of the matter, no interference is required. Accordingly, the writ petition is dismissed.

[ANIL S. KILOR, J.]