



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 8142 OF 2019

Parubai Rama Jondhale

VERSUS

The State Of Maharashtra And Another

...

Mr. S. K. Chavan, Advocate for the Petitioner

Ms. Neha Kamble, AGP for Respondent No. 1

Mr. M. N. Navandar, Advocate for Respondent No. 2

...

CORAM : RAVINDRA V. GHUGE &
R. M. JOSHI, JJ

DATE : MAY 02, 2024

PER COURT :

1. Having considered the submissions of the learned Advocates for the litigating parties on 27.02.2024, 11.03.2024 and today, we noticed that there are several disputed issues, including the aspect of induction of the Petitioner in service as a Daily Wager from July, 2015 and the applicability of the Defined Contributory Pension Scheme (DCPS). Needless to state, the disputed issues cannot be gone into by this Court. The Petitioner is a workmen under Section 2(s) of the Industrial Disputes Act, 1947 and the agricultural university is an industry under Section 2(j) of the Industrial Disputes Act.

2. In view of the above, the learned Advocate for the Petitioner submits that the Petitioner would prefer a ULP complaint before the Industrial Court for establishing her claim for pensionary benefits and for reckoning the daily wage service from July, 2006 till November, 2015 with the superannuation in 2018.

3. In view of the above, **this Writ Petition is disposed off** with liberty to the Petitioner to approach the Industrial Court. The time spent by the Petitioner in this Court since 25.06.2019, till the passing of this order, would be considered as a good ground for condonation of delay, notwithstanding that the claim with regard to the pensionary benefits would be a recurring cause of action.

(R. M. JOSHI, J)
Malani

(RAVINDRA V. GHUGE, J)