



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

901 WRIT PETITION NO. 3119 OF 2019

PANDIT SAKHAHARI PAWAR

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for the Petitioner : Mr. Barde Parag Vijay

AGP for Respondent/State: Mr. S. N. Kendre

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CORAM : ARUN R. PEDNEKER, J.

DATE : 28th AUGUST, 2024

PER COURT:

1. Heard.
2. The complaint filed by the petitioner under the unfair labour practices under items - 5, 6, 9 and 10 of Schedule IV to the M.R.T.U. & P.U.L.P. Act claiming permanency has been rejected by the impugned order dated 07.09.2018.
3. It is the contention of the complainant that he is working with the department of respondent no.3, Social Forestry Department, Ahemednagar since the year 2000 continuously and and as such he claims permanency on the said basis. The Industrial Court considering the evidence laid before it and the Government Resolution dated 16.10.2012, wherein reliance is placed by the complainant seeking

permanency has observed that the complainant does not fulfill the conditions of the requirement of the Government Resolution dated 16.10.2012 as the eligibility condition for the employment is that he should work for 5 years (240 days in each year) during the period 01.11.1994 to 30.06.2004 and such employee should be in employment on 01.06.2012 and that the period of work done under the Employment Guarantee Scheme or like the scheme should not be taken into consideration. The complainant's own chart with Exh.U-17 and the evidence on record indicates that after 1994, the complainant had worked under the Maharashtra Gramin Hami Rojgar Yojna, except for 58 days of 1996, when he has worked on departmental work. As such, the industrial court has held that the complainant is not entitled to the benefits of the Government Resolution dated 16.10.2012.

4. The learned counsel for the petitioner has not been able to point out any material indicating that he would be entitled to for the benefits of the Government Resolution dated 16.10.2012.

5. In view of that, the writ petition stands dismissed.

[ARUN R. PEDNEKER, J.]