



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 14401 OF 2021

**VISHAL SHARAD GUNJAL AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

.....

Advocate for the Petitioner : Mr. V.H. Dighe
Addl. GP for Respondents/State : Mr. M.M. Nerlikar
Advocate for Respondent No.3 : Mr. S.T. Shelke

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**CORAM : RAVINDRA V. GHUGE &
Y.G. KHOBRAGADE, JJ.**

DATE : 4th September, 2024

PC. :-

1. The Petitioners claim to be in service with Respondent No.3. They are intermittently given breaks in service. The claim of these Petitioners is with regard to permanency. They claim that they have been working regularly, but, they are shown to be working intermittently. Breaks are introduced in employment. These are the persons who have refused additional compensation and have opted for employment.

2. It is claimed that the Petitioners, therefore, have a crystallized right in the light of the State having offered two options, either of taking additional compensation in terms of money or opting for an employment. These Petitioners opted for an employment. Respondent No.3 will have to

consider their claims for regular employment considering the choice offered by Respondent No.3.

3. We find that the Petitioners will have to raise an Industrial dispute. There are seriously disputed issues. Compensation for the loss of land has already been paid to these Petitioners. It is their claim that they were assured additional compensation, with the option that they may either receive additional compensation for the land or opt for a job. If they opt for a job, additional compensation was not payable. All the above issues are apparently disputed before us.

4. In view of the law laid down by the Hon'ble Supreme Court in **City and Industrial Development Corporation V/s. Dosu Aardeshir Bhiwandiwalla and Ors.; AIR 2009 SC 571**, the High Court cannot exercise its Writ jurisdiction for dealing with disputed issues. The Petitioners claim that they should be given permanent employment. Respondent No.3 claims that it is the Principal Employer of the Petitioner. As such, considering the law laid down by the Hon'ble Supreme Court in (5 Judges Bench) in the matter of **Steel Authority of India Ltd. & Ors. V/s. National Union Water Front Workers & Ors.; AIR 2001 SC 3527**, the Petitioners will have to raise an Industrial dispute for seeking regularization with Respondent No.3, by approaching the appropriate Government under the Industrial Disputes Act

for seeking a declaration that Respondent no. 3 is their Employer and there is no intermediary.

5. With the above liberty kept open, **this Writ Petition is disposed off.**

[Y.G. KHOBRADE, J.]

[RAVINDRA V. GHUGE, J.]