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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 1191 OF 2024

Jalgaon City Municipal Corporation

Jalgaon

.. Petitioner

versus

Jayant Raghunath Mehete

.. Respondent

Mr. L. V. Sangit, Advocate for the Petitioner.

Mr. U. S. Patil, Advocate for the Respondent.

CORAM : R. M. JOSHI, J.

DATE : 9th JULY, 2024.

PER COURT :

1. This is a motion for speaking to the minutes of the order dated 14.06.2024.

2. Learned counsel for the Respondent submits that surname of Respondent is wrongly mentioned as 'Hehete' instead of 'Mehete'.

3. The error being inadvertent, it be corrected. Corrected order be uploaded. Motion stands disposed of.

(R. M. JOSHI)
Judge

dyb

(This order dated 14.06.2024 stands corrected and uploaded in view of the speaking to the minutes order dated 09.07.2024)

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

WRIT PETITION NO. 1191 OF 2024

JALGAON CITY MUNICIPAL CORPORATION JALGAON THROUGH ITS DY
COMMISSIONER

VERSUS

JAYANT RAGHUNATH **MEHETE**

Mr. L. V. Sangit, Advocate for the petitioner

Mr. U. S. Patil, Advocate for the respondent

CORAM : R. M. JOSHI, J.

DATE : 14th JUNE, 2024

PER COURT :-

1. Heard.

2. The petitioner-Jalgaon City Municipal Corporation seeks to challenge the judgment and order dated 18th January, 2023 passed by the Industrial Court, Jalgaon in Complaint (ULP) No. 33/2017 whereby the petitioner i.e. respondent in complaint is directed to pay wages to the complainant at the minimum of pay scale extended to permanent Filter Incharge of the Corporation from time to time.

3. Learned counsel for the petitioner submits that initial appointment of the respondent is not in accordance with law and as such he has no right to seek permanent status in the employment. Thus, it is his further contention that once the respondent does not get a right to become permanent in the post of Filter Incharge is not entitled for the pay scale applicable to the said post.

4. Learned counsel for the respondent opposed the said contention by drawing attention of the Court to certain relevant facts. Undeniably, appointment of the respondent a Filter Incharge is from 1998. In the year 2003 respondent was terminated and hence he filed Complaint (ULP) No. 80 of 2004 challenging the said termination. The said complaint was decided by the learned Labour court by passing in judgment dated 30th December, 2016 allowing the complaint partly directing the reinstatement of respondent herein on the post of Filter Incharge with continuity of service but without back wages. According to him, the said judgment has not been challenged by the Management and as such it has attained finality.

5. Perusal of the undisputed facts indicate that the respondent had joined the employment of then Municipal Council

now Municipal Corporation as Filter Incharge in the year 1998. Though now it is sought to be argued on behalf of the petitioner that the respondent was not appointed by following due process of law and as such he is not entitled for the permanent status in the employment, this Court finds it difficult to accept the said submissions in view of the fact that the learned Labour Court in Complaint (ULP) No. 80 of 2004 has directed reinstatement of the respondent in the service on the post of Filter Incharge with continuity of service. Admittedly said order is not taken exception before any High Court and has attained finality to bind all parties. It is thus clear that the service of the respondent on the post of Filter Incharge is held to be continued since 1998 till his date of retirement in the year 2020. The impugned order indicates that the learned Industrial Court had directed the payment of minimum of pay scale extended to his permanent Filter Incharge. There is no dispute about the fact that after reinstatement the respondent has worked. Needless to say that applying principle of equal pay for equal work, respondent is required to be paid wages by the employer. No Court would be justified to permit the Management to pay any pay scale less than the minimum.

6. Having regard to facts and circumstances of the case, this Court finds no perversity in the judgment to cause any interference therein. As a result, petition stands dismissed.

(R. M. JOSHI, J.)

ssp