



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

16 WRIT PETITION NO. 4418 OF 2024

NAGAR PANCHAYAT SHINDKHEDA THROUGH ITS CHIEF OFFICER

VERSUS

JAYDABEE GOTU MEHTTAR AND OTHERS

...

Advocate for the Petitioner : Mr. Pawar Ajay D.

AGP for Respondent/State: Mr. V. M. Chate

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CORAM : ARUN R. PEDNEKER, J.

DATE : 29th APRIL, 2024

PER COURT:

1. The petitioner challenges the order dated 06.01.2023, passed by the Industrial Court, Dhule making certain directions as under:-

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ORDER

1] *The complaint is hereby allowed.*

2] *It is hereby declared that the Respondents have engaged in unfair labour practices under Item Nos.5, 9 and 10 of Schedule-IV of the MRTU & PULP Act, 1971.*

3] *The respondents are directed to cease and desist from engaging into aforesaid unfair labour practice.*

4] *The respondent No.1 is directed to forward the proposal of the Complainant to the Committee headed by Divisional Commissioner, Nashik (Respondent No.3) for granting regularization on the post of Safai Kamgar right from the date whenever the vacancy has occurred or may occur on the post of Safai Kamgar strictly as per her seniority.*

5] *The respondent no.3 is directed to take decision on such proposal within a period of 02 months after receipt of the same from the Respondent no.1.*

6] *No order as to costs.”*

2. The learned counsel for the petitioner submits that on similar fact situation this court in Writ Petition No.3434 of 2020 and other connected matter has held that no regularisation can be directed by the Industrial Court and only the proposal can be forwarded and has accordingly directed in the above writ petition to forward the proposal to the newly constituted committee held by the Divisional Commissioner, Nashik.

3. However, on perusal of the impugned order in the present writ petition, there is no regularisation directed to the tribunal, whereas proposal is directed to be forwarded of the complainant to the committee headed by the Divisional Commissioner, Nashik. The learned counsel also submits that in view of the impugned order they have submitted the proposal to the Divisional Commissioner, Nashik and that the Divisional Commissioner Commissioner Nashik has taken decision on the same.

4. In view of the submissions, nothing survives in the writ petition, as the petitioner has complied with their part of the order and the writ petition is accordingly disposed of.

[ARUN R. PEDNEKER, J.]