

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO. 3110 OF 2007
WITH
INTERIM APPLICATION NO. 18777 OF 2022
IN
WRIT PETITION NO. 3110 OF 2007**

Sonabai Arvind Mote

... **Petitioner**

Versus

The Principal - K.N.Patil

Veterinary College And Ors.

... **Respondents**

Mr. Bhushan U. Deshmukh *a/w Mr. Shashank S. Patare for the Petitioner.*

Mr. A. K. Jalisatgi *a/w Ms. Divya Wadekar for Respondent Nos.1 & 3.*

Mr. Piyush Todkar *i/b Ms. Neeta P. Karnik for Respondent No.2.*

CORAM : SANDEEP V. MARNE, J.

DATE : 19 SEPTEMBER 2024.

P.C. :

1) By this petition, Petitioner challenges Judgment and Order dated 28 November 2006 passed by Member Industrial Court, Satara by which Revision (ULP) No. 50 of 2006 filed by Respondent-College has been allowed and Judgment and Order dated 14 July 2006 passed by Labour Court, Satara in Complaint (ULP) No. 52 of 2001 has been

set aside. The Industrial Court has dismissed Complaint (ULP) No. 52 of 2001. The said Complaint was filed by Petitioner seeking reinstatement in service. The Complaint was initially allowed by Labour Court by Judgment and Order dated 14 July 2006 by which Respondent was directed to reinstate the Petitioner alongwith backwages and continuity of service. Since the said order of the Labour Court has been reversed by the Industrial Court, Petitioner has filed the present petition.

2) I have heard Mr. Deshmukh, the learned counsel appearing for Petitioner and Mr. Jalisatgi, the learned counsel appearing for Respondent-College.

3) After having considered the submissions canvassed by the learned counsel appearing for parties, it is seen that Petitioner continues to work with Respondents as daily wage labourer. He had filed Complaint (ULP) No. 76 of 1999 seeking permanency with full backwages from the date of completion of 240 days of service. It appears that an interim order was passed in her favour directing that the Respondents not to terminate her. However, it appears that services of the Petitioner came to be terminated by Order dated 28 February 2001. Petitioner accordingly filed Complaint (ULP) No. 52 of 2001 before the Labour Court, Satara. The Labour Court proceeded to allow the Complaint only on the ground of non following of provisions of Section 25F of the Industrial Disputes Act, 1947 (**ID Act**).

4) Mr. Jalisatgi would submit that termination of the Petitioner was resorted to on account of policy decision taken by the Respondent-College to downsize its staff in pursuance of directive issued by University and State Government. He would submit that all the daily wage labourers came to be terminated along with Petitioner. Petitioner did not produce any evidence in support of her contention that any particular labourer junior to her was continued in service after termination of Petitioner. Though Mr. Deshmukh has relied upon list of daily rated workers produced at Exhibit 'J' to the petition in which name of one Mahadev Balu Dhaigude is reflected below Petitioner, it appears that the said Shri. Mahadev Balu Dhaigude came to be engaged subsequently on 10 November 2006 on a temporary basis. There is no relationship between two spells of service of Shri. Mahadev Balu Dhaigude. It is not Petitioner's case that at the time of termination on her services, said Shri. Mahadev Balu Dhaigude was continued in service. Mr. Jalisatgi would clarify that even Petitioner was utilized on contract basis as and when the work was available after termination of her services on 28 February 2001.

5) In my view, therefore, the Labour Court had erred in setting aside the termination of by relying on provisions of Section 25F of the ID Act. The Revisional Court has rightly corrected the said order.

6) Respondents have followed provisions of Section 25F of the ID Act by paying retrenchment compensation to the Petitioner in addition to one month advance notice. In my view, therefore, there was no reason for the Labour Court interfere in the retrenchment order.

7) Since Petitioner's complaint for permanency (Complaint (ULP) No. 76 of 1999) has been dismissed for default on 26 September 2000 and since Petitioner failed to take any steps for revival of the said Complaint, Petitioner cannot otherwise expect regularization of services with the Respondents. The fact that the Petitioner remained mere daily rated worker with the Respondents, her services were clearly terminable after following provisions of Section 25F of the ID Act. Petitioner is already given one-month advance notice as well as retrenchment compensation.

8) In my view the Labour Court had erroneously interfered with the order of termination. The Industrial Court has rightly allowed the Revision filed by Respondents.

9) Considering the overall conspectus of the case, I am of the view that no interference is warranted in the decision of the Industrial Court. Writ Petition being devoid of merits is dismissed with no orders as to costs.

10) In view of dismissal of Writ Petition, Interim Application does not survive and the same is also disposed of.

[SANDEEP V. MARNE, J.]