

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO.2393 OF 2002**

1. The Executive Engineer, Irrigation
Research and Development
Department, Opp. Arora Tower, 8
Moledina Road, Pune-1.

2. The Sub Divisional Officer,
Irrigation Research & Water Supply,
Sub Division, Malegaon, Vasahat, Sub
Division, Taluka-Baramati, District-
Pune.

3. The Branch Manager, Karkamb,
Taluka-Pandharpur, District-Solapur

....Petitioners

V/s.

Lingayat Iswarappa Paparkar,
Age:- 30 yrs, R/o. Karkamb, Taluka-
Pandharpur, Dist. Solapur.

....Respondent

Ms. Vaishali Nimbalkar, AGP for the Petitioner.

Mr. Shubham Shinde i/b. Mr. Surel Shah for the Respondent.

Ms Pooja Yogesh Sawant, First Clerk in the office of Petitioner No.2, is present.

CORAM : SANDEEP V. MARNE, J.

Dated : 11 July 2024.

P.C.

1) By this Petition, the State of Maharashtra has challenged the Judgment and Order dated 6 June 2001 passed by the 2nd Labour Court, Solapur in Complaint (ULP) No.104 of 1995, by which the Court has directed reinstatement of Respondent in service alongwith continuity, but without back wages. The order of the Labour Court became subject matter of challenge before the Industrial Court both by Petitioners as well as by Respondent. While the Petitioners challenged the order of the Labour Court directing the reinstatement and continuity, the Respondent challenged the same to the limited extent of denial of back wages. The Industrial Court has however proceeded to dismiss both the Revision Applications by its Judgment dated 20 September 2001. Aggrieved by rejection of its Revision Application, only State Government has filed the present Petition.

2) By order dated 17 April 2002 this Court admitted the Petition and stayed the orders of the Labour Court as well as Industrial Court.

3) Ms. Nimbalkar, the learned AGP appearing for the Petitioners-State Government would place on record an affidavit executed by Respondent on 01 September 2009 stating that he has been employed as *Gram Sevak* in Panchayat Samiti Ajra under Zilla Parishad, Kolhapur and that he is no longer interested in pursuing any relief relating to the services rendered by him with the Petitioners. The said affidavit of the Respondent dated 1 September 2009 has been forwarded to the Government Advocate by Sub Divisional Engineer in the Irrigation Research and Water Supply Department, Pandharpur.

4) Apart from the desire expressed by the Respondent not to pursue any claim in respect of his service rendered with Petitioners, I otherwise do not find any reason to direct the Petitioners to reinstate the Respondent at this belated stage. The Respondent had rendered casual service on daily wages basis in absence of any post and no right was created in his favour to continue to work on daily wages basis. Therefore, even on merits, the impugned Judgments and Orders passed by the Labour Court and Industrial Court, Solapur are otherwise unsustainable.

5) Considering the above, the Writ Petition deserves to be allowed. The Judgment and Order dated 6 June 2001 passed by the 2nd Labour Court, Solapur in Complaint (ULP) No.104 of 1995 and Judgment and Order dated 20 September 2001 passed by the Industrial Court, Solapur in Revision (ULP) No.102 of 2001 are set aside.

6) Writ Petition is allowed in above terms. Rule is made absolute. No costs.

[SANDEEP V. MARNE, J.]