



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

Writ Petition No. 7458 of 2019

@ Ahsanulla S/o Sarafat Ullakhan ..vs.. Divisional Railway Manager, C.R., Kingsway, Nagpur]
with

Writ Petition No. 872 of 2021

[Mohammed Sharif s/o Shafi Hussain ..vs.. Divisional Railway Manager, C.R., Kingsway, Nagpur]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. P. D. Meghe, Advocate for the petitioners
Mr. K. A. Patil, Advocate for the respondent

CORAM : ANIL L. PANSARE J.

DATED : 29-07-2024

The challenge is to orders dated 18-9-2018 passed by the Central Government Industrial Tribunal (CGIT) cum Labour Court, Nagpur in Case Nos. CGIT/NGP/19/2013-14 and CGIT/NGP/06/2013-14.

2. The petitioner filed reference before the CGIT-cum-Labour Court claiming regularization in the services. The petitioner - Ehsan Khan was allegedly appointed as MRCL Weather Hot Casual Mazdoor (monthly rated casual labour) in May, 1987 and continued to work till June, 1991. He was not given work thereafter.

3. The petitioner's claim for regularization, was *inter alia*, rejected on following grounds.

4. The worker, namely, Ahesan Khan S/o Sharfaraj Khan had filed the false and manipulated list of candidates called for screening. He has added/mentioned his name at serial no. 8 when in the list, only 7 persons were called.

5. Further, the claim of this petitioner is based on the copy of working certificates allegedly issued by the

management. Copy of working certificates was placed as Annexure III with the petition at page nos. 30 and 34. Page no. 30 is a working certificate issued on 29-3-1987. The certificate includes the period of working from 1-1-1987 till 1-7-1987. Thus, the certificate issued in March, 1987 includes the work allegedly done in the month of April, 1987 to June, 1987 which is apparently not possible. Page no. 31 is again working certificate issued on 29-3-1988 which includes the period up to 26-6-1988. Thus, the certificate issued in March, 1988 includes the work experience for the month of April, 1988 to June, 1988, which apparently is incorrect. Similar is the working certificate at page no. 32.

6. This employee relied upon 5 working certificates in support of his claim that he has worked for 387 days. Out of these, 3 certificates were apparently found incorrect. Thus, in addition to forgery and manipulation in furnishing false list of candidates, who were called for screening, this employee, namely, Ahesan Khan S/o Sharfaraj Khan carries a blame of relying upon the forged/incorrect working certificates.

7. Despite the said fact, the Court below has, on the basis of entire material placed before it including the evidence, thought it proper to award lumpsum compensation of Rs. 1,00,000/- because his services were terminated without complying the provisions of 25-F of the Industrial Disputes Act.

8. So far as other worker is concerned, namely, Mohammed Sharif Shafi Hussain, admittedly, he did not

possess the requisite qualification for regularization. The requisite qualification was 8th Standard. The worker has passed 4th Standard. Thus, his claim for regularization was rightly rejected by the Court below. At the same time, the Court below has awarded Rs. 1,00,000/- compensation to him.

9. Considering the above status, I do not find any reason to interfere with the impugned orders. Writ petitions are accordingly dismissed.

10. At this stage, learned counsel for the petitioners submits that amount of compensation of Rs. 1,00,000/- along with interest at the rate of 6% p.a. has been not paid to the petitioners till date despite there being no stay to the orders impugned. Accordingly, learned counsel for petitioners seeks direction to pay amount within eight weeks from today. The request, being reasonable, is allowed.

11. The respondent shall pay to the petitioners an amount of Rs. 1,00,000/- each along with interest at the rate of 6% p.a. as directed by the Court below within eight weeks from today.

12. Writ petitions are accordingly disposed of.

(Anil L. Pansare, J.)