



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.5264/2011

Devidas Deoramji Bhujade .Vs. Executive Engineer, PWD Division No.2, Sadar, Nagpur
and Others

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

Court's or Judge's orders

Mr. J. S. Kalbande, Advocate for petitioner.
Mr. A. Madiwale, A.G.P. for respondent Nos. 3 and 4.

CORAM : ANIL L. PANSARE, J.
DATE : DECEMBER 11, 2024

Heard at length.

2. One of the reasons why the reference has been rejected by Labour Court is that the petitioner being Mustering Assistant employed under the Employees Guarantee Scheme is not a workman and further that the provisions of the Industrial Disputes Act, 1947 are not applicable. In support, the Labour Court has relied upon certain judgments.

3. In my view, the issue involved is no more res integra. This Court, in Writ Petition No.6401/2023, has held that the Employees Guarantee Scheme is not an 'Industry' and, therefore, the Labour Court and the Industrial Court will have no jurisdiction to grant any relief. In the said case also, the employee was appointed as Mustering Assistant under Employees Guarantee Scheme. This Court relied upon judgment in Arvind G. Chaudhari and anr. .Vs. Dhanraj Nathu Patil and anr., [2008 (6) Mh.L.J. 746] as also judgment in Pundlik Ramchandra Tuppad Vs. State of Maharashtra, [Writ Petition

No.5088/1997]. In the said, it was held that respondent therein was appointed under the Employees Guarantee Scheme as Mustering Assistant and his appointment was purely temporary on work charged establishment only for Employment Guarantee Scheme work and are not covered by provisions of the Industrial Disputes Act, 1947.

4. The Labour Court's decision is in tune with the law laid down by this Court. No, interference is, therefore, called for in the impugned judgment.

5. The writ petition is accordingly dismissed. The petitioner is, however, at liberty to approach appropriate forum/authority as permissible under the Employees Guarantee Scheme or the provisions of the Maharashtra Employment Guarantee Act, 1977, if so advised.

Rule is discharged. No order as to costs.

(Anil L. Pansare, J.)