



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

Writ Petition No. 5200 of 2019

Prakash S/o Rangnath Khillare,
Aged about 48 years, Occ. Nil,
R/o. Mehkar, Tah. Mehkar,
District – Buldhana.

.... Petitioner

VERSUS

(1) Chief Officer, Municipal Council,
Mehkar, Tah. Mehkar,
District – Buldhana.

(2) President, Municipal Council,
Mehkar, Tah. Mehkar,
District – Buldhana.

.... Respondents

Mr. S. Y. Bhuyar, Advocate for the petitioner
Mr. A. R. Deshpande, Advocate for the respondents

CORAM : ANIL L. PANSARE J.

DATED : 26-08-2024

ORAL JUDGMENT

Rule. Rule made returnable forthwith. Heard finally with consent of learned counsel appearing for the parties.

2. The petitioner is aggrieved by order dated 23-10-2015 passed by the Member, Industrial Court, Akola in Revision (ULP) No. 26/2012 dismissing the revision. Industrial Court has, thus, upheld the

order dated 29-3-2012 passed by the learned Judge, Labour Court, Buldhana in Complaint (ULP) No. 647/2004.

3. Having heard both sides and having gone through the record, it transpires that the petitioner claims to be working as Labourer with effect from 1-7-2001. His services were allegedly terminated on 18-5-2004.

4. The Courts below found that the petitioner has not placed on record the order of appointment though he claims that he was terminated from the post of Peon. He has not disclosed the wages/salary which he received. In fact, there are no pleadings on this point viz. appointment order and wages/salary paid to him.

5. Learned counsel for the petitioner has relied upon documents, Exhibits 44 to 98 which are bills, to contend that the respondents have paid him for labour work carried out by him and, therefore, have admitted that the petitioner was working as Labourer with the respondents.

6. This argument has been rightly countered by the learned counsel for the respondents by submitting that in absence of any appointment order, the petitioner cannot argue that he was appointed as

daily wager or as Peon. Learned counsel for the respondents has further correctly pointed out that the documents relied upon by the petitioner are nothing but the payment made to him for the works done by him on contract viz. repairing water pipeline and similar such works. The petitioner appears to have carried out such work couple of time in a month regularly and was accordingly paid contractual money. These documents are not sufficient to even suggest that petitioner was appointed as Peon or as daily wages by the respondents herein.

7. The Courts below have rightly dismissed the claim of the petitioner that he was appointed as Peon/Worker by the respondents and that the termination is illegal. There is no substance in the petition. The petition is accordingly dismissed.

8. Rule is discharged.

(Anil L. Pansare, J.)

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