



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 10202 OF 2025

Chief Officer,
Municipal Council, Tuljapur,
Tq. Tuljapur, Dist. Osmanabad.

... **PETITIONER**

V/s.

1. Alka Balasaheb Amrutrao,c
Aged: 44 years, Occu: Service,
R/o Vishwas Nagar, HUDCO, Tuljapur
Tq. Tuljapur, Dist. Osmanabad.
2. The Regional Director,
Nagar Vikas Department,
Delhi Gate, Aurangabad.
3. The Director / Commissioner,
The Municipal Council Administration,
Nagar Palika Sanchalanalaya,
Sir Pochkanwala Road,
Shaskiya Parivahan Seva Imarat,
Worli, Mumbai.

... **RESPONDENTS**

.....
Mr. A.T. Jagtap, Advocate for the Petitioner
Mr. A.G. Vasmatkar, Advocate for the Respondent No.1
.....

CORAM : ARUN R. PEDNEKER, J.
DATE : 14.10.2025

ORDER:-

1. By the present petition, the Petitioner/Municipal Council challenges the order dated 09.07.2025 passed in ULP No.176/2019 by the Industrial Court at Latur, whereby the Industrial Court has partly allowed the

complaint and has directed the Petitioner/Municipal Council to send a proposal of the complainant for grant of permanency benefits to the State Government in compliance of the resolution passed by the Municipal Council Tuljapur. The facts leading to filing of the petition are briefly summarized as under:

2. The Respondent/Complainant is a widow of late Balasaheb Tanajirao Amrutrao who was working as Clerk with the Petitioner/Municipal Council since 25.06.1996. He died due to mental illness on 20.11.2012. It is stated that since the husband of the Respondent was suffering from mental illness the complainant had applied for the job in place of her husband. Accordingly, she was appointed in place of her husband prior to his death in the year 2008-2009. Even after death of her husband, she continued to work with the Council in department of recovery of property tax and water tax. She was also directed to work for Jan Gan na (census) in the year 2010-2011. The Petitioner/Municipal also issued identity card to the complainant. On 04.10.2013, the Petitioner also issued appointment order to her as Supervisor and work orders were issued to her time to time but the Petitioner was not made permanent in service nor given service on compassionate grounds. The Respondent No.1 filed ULP complaint before the Industrial Court, Latur, the Petitioner/Municipal Council responded to the same by denying the allegations. It is specifically stated that the complainant was employed through a Contractor and that there is no sanctioned post of a Computer Operator and

the post of Computer Operator is a technical post and as such the Petitioner cannot be made permanent on the said post. The Municipal Council has terminated the services of the Respondent No.1 by order dated 30.08.2022.

3. On consideration of material, the Tribunal held that that there is no evidence that the complainant was appointed through a Contractor. The complainant was directly appointed by the Petitioner/Municipal Council and that she continued to render services from 2009 onwards. It is also observed by the Tribunal that the resolution bearing no.133 is passed by the Municipal Council dated 25.06.2012 in favour of the complainant and it was resolved to send her application and proposal to the Government for grant of permanency benefits. It is also noticed that a separate complaint is also filed by the complainant for claiming appointment on the post of her deceased husband on compassionate grounds. The Tribunal held that there is no post of Computer Operator existing in the establishment of the Petitioner/Municipal Council and that a post of Computer Operator will have to be created and it would be a technical post and that the complainant will have to meet the necessary educational and technical qualification required for the said post. The complainant does not possess any technical qualification to work as a Computer Operator. Accordingly, the Tribunal observed that the complainant failed to prove that the Petitioner/Municipal Council engaged in unfair labour practice

within the scope of Item 5, 6, 9 and 10 of the the MRTU & PULP Act, 1971 and as such the Tribunal rejected all the prayers of the complainant except one.

4. The Tribunal has held that in view of the resolution passed by the Municipal Council Tuljapur bearing no.133 dated 25.06.2012 for sending a proposal along with the application of complainant to the Government for grant of permanency benefits to the complainant for consideration. It is an undisputed fact that the Municipal Council has engaged the complainant for long period of time. The Tribunal has merely directed the Authorities to submit a proposal of the complainant to the State Government in terms of the resolution passed by the Municipal Council. It is for the State Government to take a call on the subject and if it is possible to create a post or grant permanency benefits, the State Government will take a call on the subject, the Municipal Council cannot object to the same in view of their own resolution.

5. Accordingly, the Writ Petition is dismissed.

[ARUN R. PEDNEKER, J.]