



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

27 WRIT PETITION NO. 1235 OF 2025

**SANJAY PARAJI KHADE
VERSUS
CIDCO THROUGH ITS CHIEF ADMINISTRATOR AND
OTHERS**

...
Advocate for the Petitioner : Mr. S. B. Kadu

...

CORAM : KISHORE C. SANT, J.

Dated : February 26, 2025

PER COURT :-

1. Heard the learned Advocate for the petitioner. The petitioner has assailed an order passed by the learned Industrial Court, Aurangabad dated 06.12.2010 against which Revision ULP No. 57 of 2008 filed by the petitioner came to be rejected and thereby the order passed by learned Judge, Labour Court, Aurangabad is confirmed.

2. The petitioner claims to have been appointed by respondent Nos. 1 and 2 in service. However, later on, he was orally terminated on 16.09.1996. The petitioner, therefore, approached the learned Labour Court by filing complaint ULP No. 153 of 1996. The learned Labour Court dismissed the

complaint observing that the petitioner has failed to prove that he was appointed by the respondents. This observation is made on the basis of admissions of the petitioner that he was orally appointed for temporary period by one Mr. N. R. Nimkar working with respondent Nos. 1 to 3. He had already filed a case in the Industrial Court bearing ULP No. 238/95 and the same was dismissed in default. He has further accepted that there is no appointment order issued to him. On considering these admissions, the learned Labour Court, Aurangabad dismissed the complaint by judgment and order dated 17.07.2008. The revision also came to be dismissed and thus, the petitioner is before this Court.

3. It is vehemently opposed by the learned advocate for the petitioner that the petitioner was working with the respondents. He was orally terminated without issuing any notice. Both the Courts below have failed to consider this material aspect and have committed illegality. He further submits that, the petitioner has worked from 27.04.1995 till 13.09.1996 and thus, completed more than 240 days in service. He also gave the details of the wages which are paid

to him. He thus submits that, a drastic action has taken and termination requires opportunity of hearing and the same is not done. So far as the delay and latches is concerned, he submits that the petitioner is jobless person and could not immediately arrange expenses to approach this Court and there is some delay and latches. He prays that same be condoned in the interest of justice.

4. This Court has carefully heard the arguments of learned Advocate for the petitioner. However, from the finding recorded by both the Courts, this Court has come to a conclusion that the petitioner failed to show that he was regularly appointed by the said authority. From his own admissions, it is clearly seen that he was orally appointed and there was no any order issued by the authority. This Court hardly finds any case to interfere with the said finding of the Trial Court. So far as the delay is concerned, this court is not convinced by the submissions of the learned Advocate for the petitioner. Thus, this Court does not find any merit in the writ petition.

5. The writ petition stands dismissed with no order as to costs.

(KISHORE C. SANT, J.)

PRW