



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

WRIT PETITION NO. 15439 OF 2023

The Director, Ground Water Survey's and Development Agency,
Government of Maharashtra & Others

VERSUS

Dadarao s/o. Anjaba Borse

Mr. R.B. Dhaware, AGP for the petitioner-State.

Mr. Parag V. Barde, Advocate for sole respondent.

CORAM : KISHORE C. SANT, J.
RESERVED ON : 26.09.2025
PRONOUNCED ON : 16.10.2025

ORDER :-

01. This Writ Petition is filed by the Government of Maharashtra, through Director, Ground Water Survey's and Development Agency, challenging an order passed by the learned Member, Industrial Court, Latur dated 21.07.2022 in Complaint (ULP) No. 27 of 2019. The respondent was an employee working with the petitioner, who approached the learned Labour Court, Latur by filing complaint under sections 28 and 30 read with Item No. 1 (a)(d)(f) and (g) of Schedule IV of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971, bearing ULP No. 27 of 2019.

02. Facts in short giving rise to the petition are that the

respondent was appointed to the post of Choukidar in the year 1976. From 1977, he has been continuously working as a Choukidar. It is his case that though he worked continuously since 1977, he was not made permanent. By order dated 28.12.1987 followed by order dated 29.12.1987, his services came to be terminated. The respondent, therefore, approached the learned Labour Court, Aurangabad by filing Complaint No. 113 of 2000, seeking declaration that the oral termination order is illegal. The termination is without following provisions of Section 25-A of the Industrial Disputes Act. He further prayed for reinstatement with continuity in service and back wages with other consequential and monetary benefits.

03. It was a case of the present petitioner before the Labour Court that the respondent was not in regular employment. It is further denied that he worked continuously for 240 days continuously every year.

04. The learned Labour Court allowed the Complaint (ULP) holding that the termination order is illegal and further directed to reinstate the respondent by giving benefit of continuity of service and back wages. The learned Member, Industrial Court, Aurangabad

dismissed the revision filed by the petitioner by order dated 21.04.2010. The petitioner, therefore, approached this Court by filing Writ Petition No. 597 of 2011. This Court in the said writ petition remanded the matter back for fresh consideration. After remand, the learned Labour Court again allowed the complaint by judgment and order dated 16.01.2008. Again a revision was preferred bearing Revision Petition No. 62 of 2008. Said revision came to be dismissed and thus the petitioner again approached this Court, by filing Writ Petition No. 5911 of 2011. Again the matter came to be remanded. The learned Labour Court allowed the Complaint ULP No. 27 of 2019 against which revision was again preferred. The complaint was filed before the Industrial Court, Latur, bearing Complaint (ULP) No. 27 of 2019. Said complaint came to be allowed and thus now the petitioners are again before this Court.

05. The learned AGP for the petitioners vehemently argued that the respondent was not entitled to get benefits of permanency. The order is illegal. The learned Member failed to appreciate that there was no sufficient evidence with regard to confer the benefits of permanency on the respondent. He prays for quashing and setting aside the impugned judgment and order.

06. The learned Advocate Mr. Barde vehemently argued that the learned Industrial Court has rightly considered all the aspects. It is specifically held that the respondents had completed 240 days in a year continuously and was entitled to get the relief of reinstatement. He pointed out that in similar set of facts the Government issued Government Resolution dated 01.04.2015 and granted benefits to the similarly situated persons. He further relied upon order dated 13.04.2015 passed by the petitioner wherein benefits are extended to the persons mentioned therein. He submits that by GR dated 24.04.2001, the Government had taken decision to take the employees on converted regular temporary establishment to confer benefits of permanency in view of Kalelkar Award. It was expected of such persons to withdraw complaint/revision/appeal or any other proceeding filed by them. Merely because the complaint was pending at that time, the respondent was not given benefits.

07. It is seen from the record that by communication dated 02.06.2013, petitioner No.2 had submitted a list of employees who completed five years continuously in service. In the said communication, name of respondent appears at Sr. No.1. In the annexure, it is shown that the respondent was working since 01.07.1977. The learned

Advocate thus submits that the petition deserves to be dismissed as the Government cannot adopt different stand for different persons.

08. This Court has gone through the impugned judgment. The learned Industrial Court has specifically confirmed the finding of the Labour Court that the respondent has proved that he was continuously working on daily wages as a Security Guard since 1976 and has worked for more than 240 days every year. The Industrial Court recorded further finding and has passed the impugned judgment and order. This Court does not find any perversity or illegality in the order, as it is the Government from time to time conferred the benefits of permanency upon similarly situated persons, there is no reason as to why the present respondent be singled out. There is no merit in the petition. The petition, therefore, stands dismissed.

[KISHORE C. SANT, J.]