

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1842 OF 2025

Vasai Virar City Municipal Corporation

... Petitioner

V/s.

Kishor Aalo Patil and ors.

... Respondents

Ms. Swati Sagvekar, Advocate for the Petitioner.

Mr. M. S. Almelkar i/by *Mr. Mukesh P. Biradar*, Advocates for the Respondents No.1 to 3.

CORAM : SANDEEP V. MARNE, J.

Dated : 13 February, 2025.

PC. :

1. The petition challenges judgment and order dated 30th September, 2015 passed by Member, Industrial Court, Thane allowing complaint (ULP) No.106 of 2008 and directing the Petitioner-Municipal Corporation to confer permanency on the Respondents from the date of the filing of the complaint i.e. 14th May, 2008, without any monetary benefits.

2. I have heard Ms. Sagvekar, learned counsel appearing for the Petitioner-Municipal Corporation and Mr. Almelkar, learned counsel appearing for the Respondents No.1 to 3.

3. After having considered the submissions canvassed by the learned counsel appearing for the parties, there appears to be substantial delay

PRIYA
RAJESH
SOPARKAR

Digitally signed by
PRIYA RAJESH
SOPARKAR
Date: 2025.02.15
15:01:46 +0530

in filing the present petition. The impugned judgment and order was delivered by the Industrial Court on 30th September, 2015, whereas the petition is filed on 14th October, 2024. The only justification pleaded in the petition is about ill-health of the concerned employee who used to look after the proceedings before the Industrial Court. It is pleaded that he was on dialysis and was irregular in attending the duties and finally succumbed to his illness on 18th November, 2020. Thereafter, the excuse of Covid-19 pandemic is put forth to cover the balance portion of the delay.

4. I do not find the above explanation pleaded by the Petitioner-Municipal Corporation sufficient or acceptable to ignore inordinate delay of 9 long years in filing the present petition.

5. Even if the aspect of delay is ignored and the merits of the petition are considered, it is seen that the Respondent-employees have been working with the Petitioner-Municipal Corporation continuously since 1998 as Firemen, without any break in their service. They have been working continuously for the last 27 long years and it is high time that they are absorbed in the municipal service. The Industrial Court had recorded a finding of fact about existence of the vacant permanent posts for absorption of the Respondents. Even going by the judgment of the Constitution Bench in *Secretary, State of Karnataka Vs. Umadevi and ors.*¹, Respondents have completed more than 10 years of service without intervention of any Court order and are eligible to be made permanent. Therefore, the impugned judgment and order passed by the Industrial Court otherwise does not suffer from any serious infirmity so as to warrant interference by this Court

1 AIR 2006 sc 1806

in exercise of extra-ordinary jurisdiction under Article 227 of the Constitution of India.

6. Writ Petition cannot be entertained on the ground of inordinate delay and is otherwise devoid of merits. It is accordingly dismissed without any order as to costs.

(SANDEEP V. MARNE, J.)