

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO.462 OF 2024

Sangeeta Bhimnath Surve

....Petitioner

versus

The State of Maharashtra & Ors.

....Respondents

Mr. Shailesh K. More a/w Mr. Priyesh More,, Advocate for the
Petitioner.

Mr. Abhay Patki, Addl. G.P. a/w Mr. Himanshu Takke, AGP for
Respondent Nos.1 to 5-State.

**CORAM : RAVINDRA V. GHUGE
&
ASHWIN D. BHOBE, JJ.**

DATE : 13th MARCH, 2025

P.C. :-

1. The Petitioner had approached the Industrial Court being a workman working as a Gardner with the Respondent Industry. She had approached the Industrial Court in Complaint (ULP) No. 498 of 1997. The same came to be dismissed by the judgment of the Industrial Court dated 22nd December, 1999. The Petitioner preferred Review Application No.6 of 2002 which was

allowed by the Industrial Court vide order dated 6th October, 2003. She was granted permanency by the Industrial Court.

2. The said order was sustained by the learned Single Judge Bench of this Court vide order dated 28th September, 2017 in Writ Petition Nos.9257 of 2004 and 2781 of 2005. The Petitioner was held entitled to all consequential benefits incidental to her service. She superannuated on 2014.

3. After the judgment was delivered by the learned Single Judge on 28th September, 2017, the Petitioner was granted the liberty vide Paragraph No.13 of the said judgment, to avail of an appropriate remedy if she is entitled to any other benefit by approaching the appropriate forum. The Petitioner has not been paid her pensionary benefits, is the grievance voiced. Non-payment of pensionary benefits, if she is entitled to, is a recurring and continuous cause of action. As such, the Petitioner can lodge a ULP Compliant under Item 9 of Schedule IV of **MRTU & PULP Act, 1971** before the Industrial Court. With this liberty, **this Petition is disposed off**. The issue of whether the Petitioner is entitled for pensionary benefits, is open to be decided by the Industrial Court.

Considering the age of the Petitioner, we would appreciate if the Industrial Court deals with the said Complaint in an expedited way.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)