



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.3140 OF 2023

PETITIONERS

(Ori. respondents)

- :-** 1) Dr. Punjabrao Deshmukh Krushi Vidyapeeth, Akola – Through its Registrar, Krushi Nagar, Akola.
- 2) Dr. Punjabrao Deshmukh Krushi Vidyapeeth, Akola – Through its Vice Chancellor, Krushi Nagar, Akola.
- 3) Madhyawarti Sanshodhan Kendra, Dr. Punjabrao Deshmukh Krushi, Vidyapeeth, Akola – Through its Director, Tq. & Distt. Akola.

..VERSUS..

RESPONDENTS

- :-** 1) Dharampal Sudam Naik,
Aged about 69 years, Occupation:
Retired, R/o. Village Shivar, Tq. & Distt.
Akola.
- 2) Shri Krishna Laxman Athwale,
Aged about 64 years, Occupation:
Retired,
R/o. Gayatri Nagar 4, Mothi Umari,
Shivar, Tq. & Distt. Akola.
- 3) Tatya Sadhu Kate,
Aged about 64 years, Occupation :
Retired,
R/o. Washim road, Navin Hingna, Shivar,
Tq. & Distt. Akola.

- 4) Sudhakar S/o. Ddaybhan Tayade,
Aged about 69 years, Occupation :
Retired,
R/o. Gudadhi, Tq. & Distt. Akola.
- 5) Ashok S/o. Gariba Wakode,
Aged about 69 years, Occupation :
Retired, R/o. Dhone Colony, Shivar, Tq.
& Distt. Akola.
- 6) Prakash S/o. Dattatraya Sarnaik,
Aged about 69 years, Occupation :
Retired,
R/o. Dhone Colony, Shivar, Tq. & Distt.
Akola.
- 7) Bhaurao S/o. Namdeo Wankhade,
Aged about 69 years, R/o. Gautam Nagar,
Shivar, Tq. & Distt. Akola.
- 8) Rustam S/o. Ananda Ingale,
Aged about 69 years, Occupation :
Retired,
R/o. Wani, Rambhapur, Shivar, Tq. &
Distt. Akola.
- 9) Ramdas S/o. Sattuji Wakode,
Aged about 69 years, Occupation :
Service, R/o. Wani, Rambhapur, Shivar,
Tq. & Distt. Akola.
- 10) Chakranarayan Ramkrishna Bobde,
Aged about 69 years, Occupation :
Retired, R/o. Umari Shivar, Tq. & Distt.
Akola.
- 11) Ashok S/o. Bansi Wahurwagh,
Aged about 69 years, R/o. Shivani,
Shivkaran Nagar, Tq. & Distt. Akola.
- 12) The Learned Member, Industrial Court,
Akola, Tq. & District Akola.

Mr. A.R. Patil, Advocate for Petitioners.

Mr. N.S. Warulkar, Advocate for the Respondent Nos.1 to 11.

CORAM : ROHIT W. JOSHI, JJ.

DATE : 17/09/2025

ORAL JUDGMENT :

1. Heard.

2. **Rule.** Rule is made returnable forthwith. Heard finally by consent of learned counsel for the respective parties.

3. The present petitioners along with one Sheshrao Atmaram Bobade had filed a complaint bearing Complaint (ULP) No.54 of 2008 before the learned Industrial Court, Akola, *inter alia* praying for regularization of service on the post of Tractor Driver. The said complaint came to be decided vide judgment and order dated 19.07.2018. The learned Industrial Court has allowed the complaint with respect to the complainant No.7 by granting a declaration that the respondent – University has engaged in unfair labour practice, covered by Item 6 of Schedule IV of the Maharashtra Recognition of Trade Unions and Prevention of Unfair

Labour Practices Act, 1971 (hereinafter referred to as “MRTU and PULP Act”), by not absorbing the Complainant No.7 in service on the post of Tractor Driver on permanent basis. On the basis of this declaration, the learned Industrial Court directed the University to absorb the complainant No.7 on the post of Tractor Driver on permanent basis and to confer all the benefits and privileges of permanency on him, with effect from the date of filing of complaint i.e. 01.10.2008. With respect to the other complainants, the complaint was dismissed on technical ground that other complainants had not signed the complaint. The other complainants, including the present respondents, challenged the said judgment and order dated 19.07.2018 passed by the learned Member, Industrial Court, Akola, vide Writ Petition No.5462 of 2018, on the ground that their case was rejected on technical ground. The respondent-University also challenged the said judgment by filing a separate petition being Writ Petition No.1241 of 2019. Both the petitions came to be decided by common judgment dated 09.08.2019, passed by this Court.

4. The petition filed by the petitioners-University came to be dismissed and as regards the Writ Petition No.5462 of 2018 filed

by the present respondents, this Court found that rejection of the complaints against them was hyper technical and opportunity to cure the defect ought to have been granted. Accordingly, the matter was remanded back for consideration of the case of the present respondents. It is undisputed that after the remand, the respondents filed an application for amendment and cured the said technical defect.

5. After the remand, the learned Industrial Court decided the complaint vide judgment and order dated 12.08.2022. The learned Industrial Court has allowed the complaints by holding that the petitioners-University had engaged in unfair labour practice, covered by Item 6 of Schedule IV of the MRTU and PULP Act and had directed the University to absorb the complainants and grant all benefits of permanency upon the complainants/employees from the date of initial appointment. Therefore, the learned Industrial Court has granted benefits of permanency to the employees from the date of initial employment.

6. Since the complaint was allowed with respect to one of the complainant and the said order is confirmed by Coordinate

Bench of this Court, it will not be possible to take a different view of the matter. As stated above, technical objection with respect to the filing of the complaint by the present respondents is already removed. The learned Industrial Court was further right in granting the benefit of permanency to the respondents/employee as was granted in the earlier round of litigation. The challenge by the petitioners-University must therefore fate.

7. However, perusal of the judgment dated 19.07.2018 will demonstrate that benefit of permanency was granted to complainant No.7 from 01.10.2018 i.e. the date of filing of complaint. The said judgment is confirmed by this Court vide judgment dated 09.08.2019. In that view of the matter, the operative order of the impugned judgment and order dated 12.08.2022 needs to be modified.

8. Mr. Warulkar, the learned Advocate for the respondents/employees states that for the purpose of extending pensionary benefits, the earlier service rendered by the employees should be taken into consideration.

9. Mr. Patil, learned Advocate for the petitioners/ University states that the respondents/employees are entitled to pensionary benefits and right to receive pension is governed and regulated by the provisions of the Maharashtra Civil Services (Pension) Rules, 1982. Accordingly, I pass the following order :-

- i) The writ petition is **allowed**.
- ii) It is directed that all the respondents/employees will be entitled for benefit of permanency w.e.f. 01.10.2008 i.e. the date of filing of the complaints.
- iii) The claim of respondents/employees for pension be considered in light of the provisions of the Maharashtra Civil Services (Pension) Rules, 1982 and benefit of service rendered prior to 01.10.2008 should also be granted to the respondents/employees, if it is, otherwise permissible in law.

Rule is made absolute in above terms. No order as to costs.

(ROHIT W. JOSHI, J.)

C.L. Dhakate