



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

WRIT PETITION NO.2142 OF 2019

PETITIONER :

(Orig. Complainant)

Sau. Gangu W/o Kailash Shahare,
Aged about 46 years, Occupation :
Service, R/o Tadgaon (Toli), Tah.
Arjuni (Mor), District – Gondia.

V E R S U S

RESPONDENTS :

(Orig. Respondent)

1. The Chief Executive Officer,
Zilla Parishad, Gondia,
District – Gondia.
2. The Child Development Project
Officer, Arjuni (Morgaon),
Tah. Arjuni (Morgaon), Distt. Gondia.

Shri D. N. Mahajan, Advocate for petitioner.

Shri Anant Dixit, Advocate for respondent Nos.1 and 2.

CORAM: SIDDHESHWAR S. THOMBRE, J.

DATE : 10/11/2025.

ORAL JUDGMENT :

1. Heard. **Rule.** Rule made returnable forthwith. Heard the petition finally with the consent of learned counsel appearing for the parties at the stage of admission.

2. Present petition is directed against the Judgment dated 13/11/2013 passed by the learned Labour Court, Gondia in Complaint (ULP) No.32/1997 and the Judgment dated 22/11/2018 passed by the learned Industrial Court, Bhandara in Revision (ULP) No.169/2013.

3. Learned counsel for the petitioner submits that petitioner came to be appointed on 02/11/1996 as Anganwadi Helper at Wadgaon (Tola) Anganwadi Center. Pursuant to said order, she resumed her duties. Subsequently, vide order dated 29/03/1997, the respondent terminated the services of the petitioner on the ground that CDPO did not have power to issue appointment order. He further submitted that in fact, the petitioner had undergone the entire process of recruitment. The petitioner challenged her termination order by filing ULP Complaint No.32/1997. During the pendency of the proceedings, an interim order was passed pursuant to which she continued in the service.

4. After hearing both sides, her complaint came to be dismissed. Aggrieved by the same, she preferred a revision before the Industrial Court which was also dismissed. Hence, against the orders passed by Labour Court and the Industrial Court, the present petition has been filed.

5. The learned counsel for the petitioner submits that petitioner was appointed by following due process of law, she participated in the selection process undertaken by the respondent authorities.

6. By virtue of interim orders granted by the Labour Court, the Industrial Court and now by this Court, the petitioner has been in continuous service till this date. Therefore, learned counsel for the petitioner prays to allow the writ petition by setting aside the termination order and subsequent orders passed by learned Labour Court and learned Industrial Court.

7. Per contra, learned counsel for respondents vehemently opposed the petition by submitting that she was appointed by the authority who did not have power to issue an appointment order. Although she participated in the recruitment process, she was appointed superseding other three candidates who were having more marks than her. Therefore, appointment itself was illegal. Both the Courts below concurrently held that the petitioner was continued in service only on account of interim protection, and has no vested right. An illegality cannot be perpetuated by pointing out that she is in continuous service by virtue of interim order. The learned counsel for the respondents further submits that continuation in service under an interim order cannot legalize an otherwise invalid appointment. Therefore, both the learned Labour Court and Industrial Court have rightly considered the matter. Based on above submissions, he prays to dismiss the present writ petition.

8. I have gone through the record placed along with the writ petition, the orders passed by the learned Labour Court and learned Industrial Court. Upon perusal, it reveals that by virtue of her appointment order, she has joined the duties on 02/11/1996 and subsequently, her services were terminated solely on the ground that the authority who issued the appointment order lacked competence. Despite the termination order, by way of interim order, she continued in service during the proceedings before the learned Labour Court, learned Industrial Court and this Court.

9. When the matter was heard today, the learned counsel for the petitioner specifically requested to verify and ascertain whether the petitioner is in service today and it was confirmed by the counsel for the Zilla Parishad that she is in service pursuant to the interim order passed by the learned Labour Court, learned Industrial Court and this Court.

Therefore, in view of the admitted position that the petitioner has been in continuous service for all these years, at this state, I do not find any reason to unsettle the services of the petitioner though the initial appointment was not proper. Hence, I pass the following order :-

ORDER

- i] Writ Petition No.2142/2019 is hereby allowed.
- ii] The order of termination dated 29/03/1997 passed by the Chief Executive Officer, Zilla Parishad, Bhandara is hereby quashed and set aside.
- iii] Consequently, the Judgment dated 13/11/2013 passed by the learned Labour Court, Gondia in Complaint (ULP) No.32/1997 and the Judgment dated 22/11/2018 passed by the learned Industrial Court, Bhandara in Revision (ULP) No.169/2013 are also quashed and set aside.

10. Rule is made absolute in the abovesaid terms.

[SIDDHESHWAR S. THOMBRE, J.]