



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

**WRIT PETITION NO.968/2004**

- PETITIONERS:**
1. Raibhan Lataru Kumbhalkar  
R/o Aptur, Tah. Umrer, Dist. Nagpur.
  2. Kawadu Bapuraro Lende,  
R/o Aptur, Tah. Umrer, Dist. Nagpur.
  3. Siddartha Laxman Deshpande  
R/o Aptur, Tah. Umrer, Dist. Nagpur.
  4. Raghunath Ramchandra Bhomle,  
R/o Aptur, Tah. Umrer, Dist. Nagpur.

**...VERSUS...**

**RESPONDENT :** The Executive Engineer,  
Public Works Department,  
Division No.(2) 3, Sadar, Nagpur.  
(Amended as per Court's order dt 11.7.05).

-----  
Mr. A.P. Bhuihar, Advocate for petitioners  
Mrs. D.I. Charlewar, AGP for respondent/State  
-----

**CORAM : ROHIT W. JOSHI, J.**  
**DATE : 03/11/2025**

**ORAL JUDGMENT :**

1. The present petitioners had filed Complaint (ULPA) Nos.296/1994 to 299/1994 *inter alia* contending that they were working as labourers with the respondent since 22/09/1992, 01/01/1992, 01/01/1992 and 24/11/1992 respectively and that their services were terminated without following the prescribed procedure on

01/03/1994. The petitioners contended that the termination was bad in law on account of non-compliance of provisions of Section 25 F and 25 G of the Industrial Disputes Act, 1947 (for short hereinafter referred to as "ID Act"). The respondent entered appearance in the matter and raised a contention that since the petitioners were employed under the Employment Guarantee Scheme (E.G.S.), they were not entitled for the relief of reinstatement in service and/or regularization of service. The learned labour Court allowed the complaints vide judgment and order dated 28/11/2001 holding that the respondent has failed to prove that appointment of petitioners was under E.G.S. Scheme. It is also held that the E.G.S. Scheme is framed under the provisions of the Maharashtra Employment Guarantee Act, 1977 (for short hereinafter referred to as "M.E.G. Act, 1977") and the provisions of the said Act do not exclude applicability of the provisions of the I.D. Act. Learned labour Court accordingly allowed the complaints holding that the termination was not made in accordance with the provisions of Section 25 F and 25 G of the I.D. Act.

2. Aggrieved by the aforesaid judgment passed by the learned labour Court, the present respondent preferred a revision before the learned Industrial Court. The said revision application came to be allowed by the learned Industrial Court vide judgment dated

01/02/2023 which is impugned in the present petition by the original complainants.

3. The learned Industrial Court has found that the petitioners had come up with a specific case that they were working with the respondent as workers under the E.G.S. Scheme. The learned Industrial Court has also referred to documentary evidence which indicated that appointment of the petitioners was under the E.G.S. Scheme. The learned Industrial Court by referring to earlier judgments on this point has held that the provisions of I.D. Act are not applicable to workers employed under the E.G.S. Scheme framed under the M.E.G. Act, 1977.

4. The fact that the petitioners were employed under the E.G.S. Scheme cannot be disputed as is apparent from their own statement during the course of their depositions. The stand of the respondent is also the same. The documents on record, which were filed to show that the petitioners worked more than 240 days in a calendar year, also indicated that the same were pertaining to E.G.S. Scheme. The finding of the learned Industrial Court that the petitioners were appointed under the E.G.S. Scheme is a finding of fact and the finding of fact is based on proper appreciation of evidence. The said finding cannot be said to be said to perverse. There is no reason to interfere with the said finding of fact recorded by the learned Industrial Court. The learned Industrial Court was right in interfering with the finding

recorded by the learned labour Court since the same is recorded ignoring the material admission of the petitioners/complainants.

5. As regards the provisions of the M.E.G. Act, 1977, it cannot be disputed that the provisions of the I.D. Act are not applicable to the employees appointed under the said Act. Ready reference in this regard can be made to the judgments of this Court in Writ Petition No.171/1996 and 703/1997, which are followed by the learned Industrial Court.

6. In view of the aforesaid, no case for interference is made out. The writ petition stands dismissed. Rule stands discharged. No order as to costs.

**(ROHIT W. JOSHI, J.)**