



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

WRIT PETITION NO. 1545 OF 2019

(Mahadeo s/o Suryabhan Ramdham Vs. Van Parishetra Adhikari Karanja, through Van Parishetra Adhikari & Anr.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. V.D. Raut, Counsel for the petitioner.
Mr. A.G. Mate, A.G.P for the respondents/State.

.....

CORAM : ANIL L. PANSARE, J.
JUNE 9, 2025

The petitioner, who was once employed on daily wages, was discontinued from service in the year 1994 on the allegation of theft of wood from forest.

2] The petitioner approached the Labour Court challenging the so called termination/dismissal from service by filing a complaint being Complaint (U.L.P) No. 689/1994. The complaint was allowed vide judgment and order dated 19/12/2002. The Labour Court, while allowing the complaint, denied the claim of backwages.

3] Both the parties challenged the aforesaid judgment before the Industrial Court. The revision filed by the petitioner being Revision (U.L.P) No. 176/2003 came to be dismissed and the revision filed by the respondents being Revision (U.L.P) No. 71/2003 came to be allowed, vide judgment and order dated 5/3/2009. Resultantly, the judgment and order passed by the Labour Court allowing Complaint (U.L.P) No. 689/1994, was set aside.

4] This judgment of the Industrial Court was challenged by the petitioner before this Court in writ petition being Writ Petition No. 1949/2009. The petition was dismissed on 1/10/2015. Thus, order of termination of service attained finality.

5] It appears that pending proceedings before the Industrial Court, the petitioner was allowed to join duties with effect from 1/4/2003.

6] Taking advantage of the said arrangement, the petitioner is now claiming regularization, which the Industrial Court has rightly rejected. The Industrial Court referred to various judgments cited by the parties to record a finding that since the petitioner continued in employment under interim arrangement made by the Industrial Court, he cannot claim regularization on the basis of continuity in service. The Court further noted that the petitioner even otherwise had not completed five years of service before his services were discontinued and, therefore, the petitioner cannot claim any benefit at par with other employees, who completed five years of service. The Industrial Court further noted that discontinuance of service was on the ground of misconduct, and since the order of termination has attained finality, the petitioner will be not entitled for relief of permanency.

7] The learned A.G.P. has correctly pointed out that the reasons assigned by the Industrial Court are in consonance with the material placed before it.

8] No interference is, therefore, called for in the impugned judgment. The petition is accordingly dismissed. No costs.

(ANIL L. PANSARE, J.)

Sumit