



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

WRIT PETITION NO.1042 OF 2019

PETITIONER
ORG.COMPLAINANT

Smt Changunabai Salikram Bansod,
aged about 62 years, Occu.- Retired,
Resident of Opposite Motibagh Mahila
Samiti, Bezonbagh , Kadbi Chowk
Area, Nagpur.

...VERSUS...

RESPONDENTS
ORG. RESPONDENTS

1. State of Maharashtra, Department of Medical Education and Drugs, through its Principal Secretary, Mantralaya, Mumbai -32.
2. Director of Medical Education and Research, State of Maharashtra, C/o St.George Government Medical Hospital, Near CST, Mumbai.
3. Dean, Indira Gandhi Medical College and General Hospital, Central Avenue, Nagpur.
4. Member, Industrial Court, Nagpur, C/o Labour-Industrial Building, Civil Lines, Nagpur

Mr. A.R. Patil, Advocate for Petitioner.
Mrs. M.R. Kavimandam, AGP for Respondent/State.

CORAM : SIDDHESHWAR S. THOMBRE, J.
DATE : 11/11/2025

ORAL JUDGMENT :

1. Heard. Rule. Rule made returnable forthwith. The petition is heard finally with the consent of the learned Counsels at the stage of admission.

2. It is the case of the petitioner that she was appointed on 01.09.1985 and her services were terminated w.e.f. 05.07.1988. Aggrieved by this, she filed a complaint ULP No.552/1988 before the learned Labour Court, Nagpur. The learned Labour Court, Nagpur vide its order dated 28.10.1991 allowed the complaint and she was directed to be reinstated in services as an Attendant on daily wages with back wages from the date of her termination till she was reinstated and with continuity in service. Pursuant to the order passed by the learned Labour Court, Nagpur in complaint ULPA No.552/1998, the petitioner was reinstated in services.

3. Thereafter, she filed a complaint ULP No.996/198 before the learned Industrial Court, Nagpur on the ground that her services were not regularized despite availability of clear vacancies. The learned Industrial Court, Nagpur vide its order dated 07.02.2006 allowed the complaint ULP and directed that the petitioner's services be regularized in the cadre of her appointment w.e.f. 01.10.1998 and further held that

she was entitled to all the benefits attached to her regularization in continuity including all the monetary benefits.

4. Learned counsel for the petitioner submits there is no dispute about the fact that the petitioner came to be appointed on 01.09.1985, which was also affirmed, by the two orders passed by the learned Labour Court, Nagpur and learned Industrial Court, Nagpur. Pursuant to the order passed in ULP No.996/1998, the petitioner was hold to be entitled for regularization w.e.f. 01.10.1998 and all other benefits attached to her post including the monetary benefits. As this issue was already decided by the learned Industrial Court in Complaint (ULP) No.996/1998, it had attained finality. He further submits that Learned Industrial Court, Nagpur ought not to have dismissed the Complaint (ULP) No.996/1998 and therefore, prayed to allow the present writ petition.

5. Per contra, learned counsel for the respondents vehemently opposed the writ petition and invited my attention to para Nos. 6, 9 and 10 of the reply filed by the respondent and pointed out that it is the specific case of the respondent that the petitioner had received all the benefits attached to her services and learned Industrial Court, Nagpur has already decided the matter after considering the evidence led by

both the parties, holding that the petitioner was not entitled for regularization w.e.f. 01.09.1985 and therefore, she supports the order passed by the learned Industrial Court, Nagpur.

6. I have gone through the documents placed on record along with the present writ petition. There is no dispute about the fact that petitioner was appointed on 01.09.1985. It is also admitted fact that her services were terminated w.e.f. 05.07.1988 and against which she filed a Complaint ULP No.552/1988 and the said came to be allowed, thereby, setting-aside the termination order directing to reinstate the petitioner in services with continuity. The petitioner filed a Complaint ULP No.996/1998, wherein the learned Industrial Court, Nagpur has ordered that the petitioner's services to be regularized w.e.f. 01.10.1998 with continuity and all the consequential benefits including monetary benefits attached to her regularization.

7. The petitioner's services were regularized from 24.06.2002 instead of 01.10.1998 despite of the direction by the learned Industrial Court, Nagpur in ULP No.996/1998 to regularize her services w.e.f. 01.10.1998.

8. The petitioner retired from her services on 30.04.2016 as she attained the age of superannuation. But she had not received the

benefits of regularization, consequential benefits w.e.f. 01.08.1995, even her service book was also not prepared and she had not received any increments and recommendations of 4th, 5th and 6th pay commissions were not made applicable to her. She averred that she has completed 26 years of service but time bound promotions and stagnation benefits were also not given to her and the benefits w.e.f. 01.09.1985.

9. Before the learned Industrial Court, Nagpur, the respondent filed a written statement and admitted that the petitioner was appointed on 01.09.1985 and she was absorbed in the services with the pay-scale of Rs.2550-3200/- (of 5th Pay Commission) and all the benefits of the same were given to her, her service book was prepared, increments were given since, 1998 and all the benefits 4th, 5th and 6th pay commissions were also given. After considering the evidence led by the both the parties, the learned Industrial Court dismissed the complaint by holding the complainant could not establish that she is entitled for regularization in services from 01.09.1985.

10. Therefore, the order passed by the Learned Industrial Court, Nagpur has attained finality, but this very fact was not considered by the learned Industrial Court, Nagpur and recorded the findings

which are contrary to the earlier order passed by it. In view thereof, I am inclined to allow the present writ petition.

11. Hence, I pass the following order :-

ORDER

- A) The Writ Petition No.1042/2019 is **allowed**.
- B) Order dated 12.04.2018 passed in Complaint (ULP) No.362/2011 by the learned Industrial Court, Nagpur is quashed and set-aside.
- C) The petitioner is entitled to regularization of her services with all the consequential and monetary benefits attached to her post w.e.f. 01.10.1998.

Rule is made absolute in above terms.

(SIDDHESHWAR S. THOMBRE, J.)