



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.19107 OF 2024

Prakash Jayram Sutar

...Petitioner

V/s.

Thane Municipal Corporation

...Respondent

Ms. Divya Wadekar *for the Petitioner.*

Mr. Ajit Pitale *with Mr. Siddharth Pitale for the Respondent.*

CORAM: SANDEEP V. MARNE, J.

DATED: 10 JUNE 2026.

P.C.:

1) The Petition challenges Award dated 10 May 2024 passed by the second Labour Court, Thane, answering the reference in the negative. The reference was for adjudication of dispute between the parties with demand of reinstatement, continuation of service and full backwages w.e.f. 25 May 2007.

2) I have heard Ms. Wadekar, the learned counsel appearing for the Petitioner and Mr. Pitale, the learned counsel appearing for the Respondent-Municipal Corporation. I have considered the submissions canvassed by them. I have gone through the findings recorded by the

Labour Court in the impugned Award. I have also perused the records of the case filed alongwith the Petition as well as the compilation.

3) After having considered the submissions canvassed by the learned counsel appearing for the parties, it is seen that the Petitioner was utilised intermittently by the Municipal Corporation from time to time. Even after perusal of various documents relied upon by Mr. Wadekar by filing a compilation, it is seen that services of the Petitioner were utilised intermittently for specified purposes. To illustrate, his services were utilised from 15 April 2005 to 30 June 2005 for the limited purpose of census. Similarly, under specific program (URP-3) his services were utilised for a period of six months vide order dated 15 March 2022. His grievance before the Labour Court was about illegal termination w.e.f. 25 May 2007. However, records indicate that even after alleged termination, he was utilised for specified purposes by the Municipal Corporation. The documentary evidence relied upon by the Petitioner does not indicate employment of a continuous nature. In that view of the matter it is difficult to hold that the Petitioner was in service of the Respondent-Municipal Corporation in any particular capacity. Mere intermittent utilisation from time to time does not make Petitioner an employee of the Municipal Corporation. The Respondent being an instrumentality of State cannot be saddled with service related liability in respect of the Respondent in absence of his continued employment over a period of time.

4) Ms. Wadekar is fair enough in admitting that the Petitioner has crossed age of retirement. This is yet another reason why this Court is

not inclined to interfere in the order passed by the Labour Court. After careful scrutiny of the entire evidence on record, the Labour Court has arrived at a finding that the Petitioner did not complete service of 240 days in any particular year. He could not prove that at the time of his alleged discontinuation on 25 May 2007 he was in service with the Respondent -Municipal Corporation.

5) Considering the above position, no infirmity can be traced in the Award passed by the Labour Court. Writ Petition is accordingly **rejected.**

[SANDEEP V. MARNE, J.]