



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

WRIT PETITION NO.8498 OF 2025

Dilip Ramaji Sahare

Vs.

Executive Engineer, Mechanical Division, Nagpur and another

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

Court's or Judge's orders.

Shri S.R. Chakravarti, Advocate for petitioner.
Shri S.B. Bissa, AGP / APP for respondent/State.

CORAM : M.W. CHANDWANI, J.

DATE : 05.01.2026.

1. The petition challenges the order of dismissal of the complaint dated 29.01.2025 passed by the Member, Industrial Court, Nagpur in Complaint (ULP) No.89/2017, whereby the complaint of the petitioner came to be dismissed mainly on the ground that in 2006, the Industrial Court had directed the respondents to absorb petitioner as CRTE Clerk or in the clerical cadre. The operative portion of order dated 06.06.2006 passed in Complaint (ULP) Nos.287/1996 and 557/1996 is reproduced as under:

“1) The respondents shall appoint or absorb the complainant as CRTE Clerk or in clerical cadre.

2) The respondents shall further pay to the complainant the unpaid wages for the past period as said in para 28 hereinabove.

3) This order shall take effect on and from 1.8.2006.

4) No costs.”

2. Thus, the Industrial Court has directed that the order of absorption or appointment of the petitioner

(complainant) as CRTE Clerk or in clerical cadre will take effect from 01.08.2006.

3. Needless to mention that the said order was challenged by the respondents in Writ Petition No.11/2007 which came to be dismissed. The order of the Industrial Court directing absorption or appointment of the petitioner (complainant) as CRTE Clerk or in clerical cadre will take effect from 01.08.2006 was never challenged by the petitioner (complainant) before this Court. Therefore, the order passed by the Industrial Court in Complaint (ULP) Nos.287/1996 and 557/1996 directing that the order will take effect from 01.08.2006 has attained finality.

4. By filing the Complaint (ULP) No.89/2017, the petitioner (Complainant) was seeking for pay-scale as applicable to clerks prior to 2006. Since, the request of the petitioner was not considered in the earlier Complaint (ULP) Nos.287/1996 and 557/1996 by the Industrial Court, the Industrial Court was right in observing that the same cannot be agitated by filing a separate complaint. I do not see any perversity in the impugned order of the Industrial Court. Therefore, the petition stands dismissed. No order as to costs.

(M.W. Chandwani, J.)

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