

**BEFORE SHRI S. Z. SONBHADRE
MEMBER INDUSTRIAL COURT AT THANE MAHARASHTRA**



Complaint (ULP) No.- 134 of 2007

(CNR No.- MH IC 04 000 077 2007)

1. **Akhil Bhartiya Safai
Mazdoor Congress,**
'Aashirwad' Bhavan, Joashi Baug,
Kalyan (West), Dist. Thane.

2. **Labour Front,**
Near Chhaya Hospital,
Ambernath, Dist. Thane.

- Complainants

: Versus :

1. **Ulhasnagar Municipal Corporation,**
Ulhasnagar, Dist. Thane.

2. **The Commissioner,**
Ulhasnagar Municipal Corporation,
Ulhasnagar, Dist. Thane.

3. **The Deputy Commissioner,**
Head Office -
Ulhasnagar Municipal Corporation,
Ulhasnagar, Dist. Thane.

4. **Bharatiya Kamgar Karmachari
Mahasangh, Mumbai.**

5. **Maharashtra Mazdoor Sabha,**
Kulgaon Badlapur, Thane.

- Respondents

And

1. **Madhukar Y. Ubale,**

2. **Khandu Dada Unawane,**

3. **Raju Baliram**
4. **Ramesh Babaji Jadhav,**
5. **Najuka Nivruti Bharit,**
6. **Shashi Gopal Pandey,**
7. **Rajkumar Kishanlal,**
8. **Gorakh D. Pagare,**
9. **Harilal Jagdish Bhagwane,** ... **Applicants**

Coram :- Shri. S. Z. Sonbhadre, Member Industrial Court.

Appearances :- Ld. Adv. For Complainant.
Shri. N. B. Bhole, Ld. Adv. For O. P. No. 1 to 3.
Shri. K. I. Killedar, Ld. Adv. For Applicants.

:- ORDER BELOW EXH.- U-84 :-
(Delivered On 21st January, 2025)

01. This Application is filed by 9 Applicant Employees, claiming themselves to be the Members of the original Complainant Union and also claiming to be having their respective names in the Seniority List, maintained by the Respondent Corporation of Class-IV Safai Kamgar.

02. This Complaint was originally decided by my Ld. Predecessor vide Judgment and Order dated 25-01-2010. Said Judgment was challenged before the Hon'ble High Court vide Writ Petition No. 7060 of 2010, which was disposed off vide

Order dated 27-06-2016 with Consent Terms that the Respondent Corporation shall initiate process for Recruitment for filling up the vacant posts of Safai Kamgar.

03. It is the case of the Applicants that inspite of Order dated 25-01-2010 of this Court and inspite of Consent Terms Order dated 27-06-2016 in Writ Petition No.- 7060 of 2010, the Respondent Corporation did not recruit the Applicants. As such, Applicants and other similarly situated affected employees have filed Writ Petition No. 10225 of 2017, Writ Petition No. 8157 of 2018 and 15313 of 2016 and Writ Petition No. 7676 o 2019.

04. The Hon'ble Bombay High Court vide Order dated 05-02-2024, in Writ Petition No. 10225 of 2017, Writ Petition No. 8157 of 2018 and 15313 of 2016 and Writ Petition No. 7676 o 2019, remanded the matter to this Court for execution of Order dated 25-01-2010 in the light of Consent Terms of Order dated 27-06-2016, in Writ Petition No. 7060 of 2010. Accordingly, the colleague Applicant Employees, of Applicants in this Application Exh. U-84, have filed Application Exh. U-57 and prayed for directions to the Respondent Corporation for grant of Appointment to the Applicants on permanent basis.

Application Exh. U-57 reveals that, in the Title only 12 Applicant Employees are named. However, the Application Exh. U-57 is signed by 21 Applicant Employees.

05. Ld. Advocate for Respondent Corporation objected Application Exh. U-57 and also objected this Application Exh. U-84 on the ground that the Applicants cannot be signatory unless they are shown as Applicants in the Title Clause. So also, Application Exh. U-84 is objected on the ground that these Applicants are seeking to implead them in Application Exh. U-57. However, it is the case of Respondent Corporation that these Applicants cannot be impleaded since the time limit prescribed by the Hon'ble High Court, for filing Application before this Court, have already expired.

06. I find substance in the contention of the Ld. Counsel for Respondent Corporation. However, at the same time, I find that, all the Applicants in Application Exh. U-84 have put in their respective signatures in Application Exh. U-57.

07. It is the case of the Ld. Counsel for Applicants that, inadvertently, in hurry, since the time limit was expiring, he

forgot to incorporate the names of Applicants in Application Exh. U-84 in Title Clause of Application Exh. U-57. However, all the Applicants in Application Exh. U-84, have already put in their respective signatures, in Application Exh. U-57, alongwith the signatures of Applicants shown in Title Clause of Application Exh. U-57.

08. In larger interest of justice, explanation given by Advocate Shri. K. I. Killedar for not finding the names of the Applicants in Application Exh. U-84, in Application Exh. U-57, appear to be justified. As such, I am inclined to allow the Application Exh. U-84 and permit the Applicants in Application Exh. U-84 to incorporate their names in Application Exh. U-57. Accordingly, I proceed to pass the following Order -

- : O R D E R : -

- i.** Application Exh.- U-84, in Complaint (ULP) No. 134 of 2007 is hereby Allowed.
- ii.** Applicants to file Amended Application Exh. U-57, with names of all the original 12 Applicants in Application Exh. U-57 and all the 9 Applicants in Application Exh. U-84 with copy to other side.

- iii.** Applicants are further directed to file details of Applicants showing their details in respect of Serial Numbers in Annexure to the Complaint (ULP) No. 134 of 2007, Serial Numbers in Seniority List at Exh. U-16, Serial Numbers in Seniority List at Exh. U-51, Writ Petitions filed before the Hon'ble High Court and Petitioner Number in said Petitions, Date of Birth of Applicants, Age of Applicants as on 25-01-2010, Adhar Number, Etc. Etc.
- iv.** Above said details be filed in chronologically Order in which the names of Applicants will appear on the Amended Application Exh. U-57.
- v.** No Orders as to Costs.

Date :-
21-01-2025.
Place :- Thane.

(S. Z. Sonbhadre)
Member
Industrial Court, Thane

SPC/-.