

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**LETTERS PATENT APPEAL STAMP NO. 407 OF 2013
IN
WRIT PETITION NO. 3112 OF 2012**

Rajaram Shankar Dolas .. Applicant

Versus

Executive Engineer P.W.D. .. Respondent

Shri P. V. Barde, Advocate for the Applicant.
Shri G. K. Thigle, Addl.G.P. for the Respondent.

**CORAM : S. V. GANGAPURWALA AND
A. I. S. CHEEMA, JJ.
DATE : 20TH MARCH, 2015.**

PER COURT :

. Mr. Barde, the learned counsel for the appellant submits that, the appellant had worked with the respondent from the year 1982 to 1985 and was illegally terminated. The appellant approached the Labour Court by filing Reference I.D.A. No. 47 of 2007. Aggrieved by the said judgment passed by the learned Labour Court, the respondent filed writ petition before this Court. According to the learned counsel the Labour Court directed the respondent to reinstate the present appellant with effect from 21.02.1985 with continuity of service, but without backwages. According to the learned counsel, the respondent

assailed the said order before the learned Single Judge. The learned Single Judge allowed the writ petition and granted compensation of only Rs. 40,000/-. The amount of Rs. 40,000/- awarded as compensation is too meager considering the fact that, for three years the appellant had served with the present respondent. According to the learned counsel, the amount of compensation awarded is too inadequate and the appellant ought to have been awarded Rs. 1,00,000/- as compensation.

2. The learned Additional Government Pleader submits that, the learned Single Judge has taken a reasonable view by giving compensation of Rs. 40,000/-. The present appellant had not even completed five years of service so as to give benefit of Kalelkar award.

3. We have considered the submissions canvassed by learned counsel for respective parties.

4. The learned Single Judge has relied on the judgment of the Apex Court in a case of **Senior Superintendent, Telegraph (Traffic), Bhopal Vs. Santosh Kumar Seal and others** reported in **AIR 2010 SC 2140** and has exercised the discretion of paying compensation of Rs. 40,000/-. The appellant had hardly worked for three years and was discontinued from service on 21.02.1985 and approached the Labour Court only in the year

2007. The claim was stale one. The learned Single Judge took reasonable approach of awarding compensation to the appellant. We do not find any error in the judgment of the learned Single Judge. The letters patent appeal as such is dismissed. No costs.

[A. I. S. CHEEMA, J.]

[S. V. GANGAPURWALA, J.]

bsb/March 15