

kps

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

WRIT PETITION NO. 4238/2004

Nagar Parishad, Jalna
Through its Chief Officer,
at Jalna.

..Petitioner

-Versus-

1 Hari Babulal Tambe
R/o Marondhi Mohalla, Juna Jalna,
Dist : Jalna.

2 State of Maharashtra
Secretary Urban Development
Department, Mantralaya.
Mumbai – 32.
(Copy to be served on Govt. Pleader,
High Court of Bombay,
Bench at Aurangabad.

..Respondents

**WITH
CIVIL APPLICATION NO. 4568/2015**

Nagar Parishad Jalna
Through its Chief Officer,
Jalna Tq. & Dist. Jalna

..Applicant

-Versus-

1 Hari Babulal Tambe
Age : Major, Occ : Not known
R/o. Marondhi Mohalla, Jalna
Tq. & Dist. Jalna

2 State of Maharashtra,
(Copy to be served on Govt. Pleader,
High Court of Bombay,
Bench at Aurangabad.

..Respondents

**WITH
WRIT PETITION NO. 4257/2004
WITH
CIVIL APPLICATION NO. 4569/2015**

Nagar Parishad, Jalna
Through its Chief Officer,
at Jalna.

..Petitioner

Versus

- 1 Smt. Anusayabai Subhash Rajgire,
Age : Major, Occ. Nil,
At : Runwal Hospital, Near
Pithachi Girni, Jalna
Dist : Jalna.
- 2 State of Maharashtra
Secretary Urban Development
Department, Mantralaya.
Mumbai – 32.
(Copy to be served on Govt. Pleader,
High Court of Bombay,
Bench at Aurangabad.

..Respondents

**WITH
WRIT PETITION NO. 4258/2004**

Nagar Parishad, Jalna
Through its Chief Officer,
at Jalna.

..Petitioner

Versus

- 1 Dilip Ramprasad Mehra,
Age : 48 yrs, Occ. Nil,
At : Shastri Mohalla, Old Jalna,
Dist : Jalna
- 2 State of Maharashtra
Secretary Urban Development

Department, Mantralaya.

Mumbai – 32.

(Copy to be served on Govt. Pleader,

High Court of Bombay,

Bench at Aurangabad.

..Respondents

**WITH
CIVIL APPLICATION NO. 4570/2015**

Nagar Parishad Jalna

Through its Chief Officer,

Jalna Tq. & Dist. Jalna.

..Applicant

Versus

1 Dilip Ramprasad Mehra
Age 48 yrs, Occu : Nil
R/o. Shastri Mohalla, jalna
Tq. & Dist. Jalna.

2 State of Maharashtra,
(Copy to be served on Govt. Pleader,
High Court of Bombay,
Bench at Aurangabad.

..Respondents

**WITH
WRIT PETITION NO. 4259/2004**

Nagar Parishad, Jalna

Through its Chief Officer,

at Jalna.

..Petitioner

Versus

1 Nandu Damodar Tambe
R/o Marondhi Mohalla, Juna Jalna,
Dist : Jalna.

2 State of Maharashtra
Secretary Urban Development
Department, Mantralaya.
Mumbai – 32.

(Copy to be served on Govt. Pleader,
High Court of Bombay,
Bench at Aurangabad.

..Respondents

**WITH
CIVIL APPLICATION NO. 4571/2015**

Nagar Parishad Jalna
Through its Chief Officer,
Jalna Tq. & Dist. Jalna.

..Applicant

Versus

1 Nandu Damodar Tambe
R/o. Marondhi Mohalla, Juna Jalna,
Dist. Jalna
Tq. & Dist. Jalna.

2 State of Maharashtra,
(Copy to be served on Govt. Pleader,
High Court of Bombay,
Bench at Aurangabad.

..Respondents

**WITH
WRIT PETITION NO. 4260/2004**

Nagar Parishad, Jalna
Through its Chief Officer,
at Jalna.

..Petitioner

Versus

1 Smt. Malanbai Madhavrao Lakhe
R/o Marondhi Mohalla, Juna Jalna,
Dist : Jalna.

2 State of Maharashtra
Secretary Urban Development
Department, Mantralaya.
Mumbai – 32.
(Copy to be served on Govt. Pleader,

High Court of Bombay,
Bench at Aurangabad.

..Respondents

**WITH
CIVIL APPLICATION NO. 4572/2015**

Nagar Parishad Jalna
Through its Chief Officer,
Jalna Tq. & Dist. Jalna.

..Applicant

Versus

1 Smt. Malanbai Madhavrao Lakhe
R/o Marondhi Mohalla, Juna Jalna,
Dist. Jalna.

2 State of Maharashtra,
(Copy to be served on Govt. Pleader,
High Court of Bombay,
Bench at Aurangabad.

..Respondents

**WITH
WRIT PETITION NO. 4263/2004**

Nagar Parishad, Jalna
Through its Chief Officer,
at Jalna.

..Petitioner

Versus

1 Smt. Jubedabee Sardar Pathan,
Age : Major, Occ. Nil,
At : Runwal Hospital, Near
Opp. Pitachi Girni, Sambhaji Nagar,
Jalna, Dist : Jalna.

2 State of Maharashtra
Secretary Urban Development
Department, Mantralaya.
Mumbai – 32.
(Copy to be served on Govt. Pleader,

High Court of Bombay,
Bench at Aurangabad.

..Respondents

**WITH
CIVIL APPLICATION NO. 4573/2015**

Nagar Parishad Jalna
Through its Chief Officer,
Jalna Tq. & Dist. Jalna.

..Applicant

Versus

1 Smt. Jubedabee Sardar Pathan
Age : Major, Occu : Nil
R/o. Rural Hospital, Near
Opp. Pithachi Girni, Sambhaji Nagar,
Jalna, Dist Jalna.

2 State of Maharashtra,
(Copy to be served on Govt. Pleader,
High Court of Bombay,
Bench at Aurangabad.

..Respondents

**WITH
WRIT PETITION NO. 4274/2004**

Nagar Parishad, Jalna
Through its Chief Officer,
at Jalna.

..Petitioner

Versus

1 Smt. Gangubai Baburao Madke
At : Indewadi, Post : Jalna,
Dist : Jalna.

2 State of Maharashtra
Secretary Urban Development
Department, Mantralaya.
Mumbai – 32.
(Copy to be served on Govt. Pleader,

High Court of Bombay,
Bench at Aurangabad.

..Respondents

**WITH
CIVIL APPLICATION NO. 4581/2015**

Nagar Parishad Jalna
Through its Chief Officer,
Jalna Tq. & Dist. Jalna.

..Applicant

Versus

1 Smt. Gangubai Baburao Madke
At. Indewadi, Post : Janla,
Dist. Jalna.

2 State of Maharashtra,
(Copy to be served on Govt. Pleader,
High Court of Bombay,
Bench at Aurangabad.

..Respondents

**WITH
WRIT PETITION NO. 4275/2004**

Nagar Parishad, Jalna
Through its Chief Officer,
at Jalna.

..Petitioner

Versus

1 Smt. Sasrubai Aabaji Rajigire,
At : Rural Hospital, Near
Pitachi Girni, Sambhaji Nagar, Jalna
Dist : Jalna.

2 State of Maharashtra
Secretary Urban Development
Department, Mantralaya.
Mumbai – 32.
(Copy to be served on Govt. Pleader,
High Court of Bombay,

Bench at Aurangabad.

..Respondents

**WITH
CIVIL APPLICATION NO. 4574/2015**

Nagar Parishad Jalna
Through its Chief Officer,
Jalna Tq. & Dist. Jalna.

..Applicant

Versus

1 Sarubai Aabaji Rajigire
At. Rural Hospital, Near
Opp. Pithachi Girni, Sambaji Nagar,
Jalna Dist. Jalna.

2 State of Maharashtra,
(Copy to be served on Govt. Pleader,
High Court of Bombay,
Bench at Aurangabad.

..Respondents

**WITH
WRIT PETITION NO. 4276/2004**

Nagar Parishad, Jalna
Through its Chief Officer,
at Jalna.

..Petitioner

Versus

1 Smt. Shashikalabai Damodhar Kamble,
Age : Major, Occ. Nil,
At : Marondhi Mohalla, Old Jalna,
Dist. Jalna.
Dist : Jalna.

2 State of Maharashtra
Secretary Urban Development
Department, Mantralaya.
Mumbai – 32.
(Copy to be served on Govt. Pleader,

High Court of Bombay,
Bench at Aurangabad.

..Respondents

**WITH
CIVIL APPLICATION NO. 4583/2015**

Nagar Parishad Jalna
Through its Chief Officer,
Jalna Tq. & Dist. Jalna.

..Applicant

Versus

1 Smt. Shashikalabai Damodhar Kamble
Age : Major, Occu : Nil
R/o. Marondhi Mohalla, Old Jalna,
Dist. Jalna.

2 State of Maharashtra,
(Copy to be served on Govt. Pleader,
High Court of Bombay,
Bench at Aurangabad.

..Respondents

**WITH
WRIT PETITION NO. 4277/2004**

Nagar Parishad, Jalna
Through its Chief Officer,
at Jalna.

..Petitioner

Versus

1 Smt. Mankarnabai Manikrao Jadhav,
Age : Major, Occ. Nil,
At : C/o Lakkadkoat Priyadarshini
Colony, Jalna, Dist. Jalna.

2 State of Maharashtra
Secretary Urban Development
Department, Mantralaya.
Mumbai – 32.
(Copy to be served on Govt. Pleader,

High Court of Bombay,
Bench at Aurangabad.

..Respondents

**WITH
CIVIL APPLICATION NO. 4576/2015**

Nagar Parishad Jalna
Through its Chief Officer,
Jalna Tq. & Dist. Jalna.

..Applicant

Versus

1 Smt. Mankarnabai Manikrao Jadhav
Age : Major, Occu : Nil
R/o. C/o Lakkadkoat, Priyadarshani Colony,
Jalna, Dist. Jalna.

2 State of Maharashtra,
(Copy to be served on Govt. Pleader,
High Court of Bombay,
Bench at Aurangabad.

..Respondents

**WITH
WRIT PETITION NO. 4285/2004**

Nagar Parishad, Jalna
Through its Chief Officer,
at Jalna.

..Petitioner

Versus

1 Smt. Shantabai Namdeo Patole
R/o Marondhi Mohalla, Juna Jalna,
Dist : Jalna.

2 State of Maharashtra
Secretary Urban Development
Department, Mantralaya.
Mumbai – 32.
(Copy to be served on Govt. Pleader,
High Court of Bombay,

Bench at Aurangabad.

..Respondents

**WITH
CIVIL APPLICATION NO. 4579/2015**

Nagar Parishad Jalna
Through its Chief Officer,
Jalna Tq. & Dist. Jalna.

..Applicant

Versus

1 Smt. Shantabai Namdev Patole
R/o Marondhi Mohalla, Juna Jalna,
Dist. Jalna.

2 State of Maharashtra,
(Copy to be served on Govt. Pleader,
High Court of Bombay,
Bench at Aurangabad.

..Respondents

.....

Mr.H.K.Mundhe, Advocate for the Petitioner/ Municipal Council.

Ms.P.V.Diggikar and Mr.Bhushan Kulkarni, Advocates for the respective
Respondent No.1.

Mrs.Y.M.Kshirsagar, AGP, for Respodnent No.2/State.

...

CORAM: RAVINDRA V. GHUGE, J.

DATE :- 23rd July, 2015

Oral Judgment:

1 On 16.07.2015, after hearing the learned Advocates finally
and upon they concluding their submissions, I had passed the following

order:-

- “1. The final hearing in these matters has commenced. Shri Mundhe, learned Advocate has concluded his submissions on behalf of all the petitioners.
2. Smt. Diggikar, learned Advocate appeared on behalf of the respondent No.1 / employees in Writ Petition Nos. 4257, 4258, 4263 and 4277 all of 2004, has also concluded her submissions.
3. Shri Kulkarni, learned Advocate submits that he was representing the respondents / employees in all these petitions. All the respondents have decided to engage a new Advocate and have collected his no-objection as well as the case papers, about three weeks ago and thereafter, Smt.Diggikar has been appointed by some of the respondents. He, therefore, submits that the rest of the respondents are likely to cause their appearance.
4. Since a common issue is involved in all the above matters and despite the fact that the final arguments on behalf of the petitioners and the respondents, represented by Smt. Diggikar, have been concluded, S.O. to 23.7.2015 to enable the rest of the respondents to cause an appearance.
5. Parties shall note that in the event, none appears for rest of the respondents, these matters would be decided on their merits, considering the submissions of Shri Mundhe and Smt. Diggikar.”

2 Shri Bhushan Kulkarni, learned Advocate for the Respondents, submits that barring those Respondents represented by Smt.Diggikar, he represents rest of the Respondents/ Employees and adopts the submissions of Smt.Diggikar. Shri Kulkarni has strenuously defended the impugned judgments and awards.

3 I have heard the learned Advocates for the Petitioners and the Respondents finally on 16.07.2015 and today.

4 The contentions of the Petitioner is as follows:-

- (a) All the Respondents/ Employees are Safai Kamgars.
- (b) They have put in services for a period ranging from six years or more.
- (c) All of them have been terminated from employment.
- (d) The industrial disputes under Section 2(A) of the Industrial Disputes Act, 1947 were raised in the years 1995 and 1996.
- (e) The Petitioner failed to participate in the proceedings. No oral evidence was led by the Petitioner.
- (f) Ex-parte judgments and awards were delivered by the Labour Court in all these matters, the first being dated 01.12.2003 in Reference (IDA) No.26/1996.
- (g) None of the Respondents/ Employees have worked for 240 days in continuous service with the Petitioner.
- (h) Presently, the State Government has issued directions to all the Municipal Councils not to engage Safai Kamgars and instead should enter into contracts with the Labour Contractors for deploying Safai Kamgars as contract labourers with the Municipal Councils.

- (i) None of these Respondents/ Employees today can be reinstated in employment since it would amount to foisting the said employees on the Petitioner.

5 To a query as regards quantifying the compensation in lieu of reinstatement with continuity of service, the Petitioner states that this Court may issue appropriate directions.

6 Smt.Diggikar and Shri Kulkarni, learned Advocates appearing for the respective Respondents/ Employees, submit as under:-

- (a) All the Respondents Safai Kamgars have been appointed by the Petitioner.
- (b) They have put in services ranging from 06 to 08 years.
- (c) They were orally terminated by the Petitioner.
- (d) They made every attempt to secure their lost employment, but in-vain.
- (e) Finally, they raised the industrial disputes before the appropriate Government under the Industrial Disputes Act, 1947.
- (f) The Petitioner did not cooperate in the conciliation proceedings which led to its failure.
- (g) The appropriate Government referred the disputes to the

Labour Court and accordingly, the references were registered before the Labour Court.

- (h) Despite the statements of claims having been filed by the Employees, the Petitioner did not choose to enter it's Written Statement.
- (i) The testimony of the Respondents/ Employees had gone unchallenged as the Petitioners neither cross-examined the Employees nor they did lead any evidence.
- (j) Due to the non cooperation of the Petitioner, the Labour Court was left with no option but to allow the references.
- (k) These Writ Petitions have been filed only because the Petitioners were duty bound to implement the Awards.
- (l) By the order dated 05.07.2004, these petitions were admitted. However, this Court by order dated 03.09.2007 came to a conclusion that no case is made out for grant of interim relief.
- (m) Despite the refusal of interim relief, the Respondents/ Employees have been kept out of employment inasmuch as Section 17(B) of the Industrial Disputes Act, 1947 has not been complied with.
- (n) Notwithstanding the fact that the applications for the benefit of Section 17(B) have not been filed by the Respondents/

Employees, yet it is the scheme of law that they should be paid their last drawn wages.

- (o) A false plea has been put forth that the Petitioners cannot reinstate the Respondents/ Safai Kamgars since they now engage the contract labourers.
- (p) This Court (Coram : N.W.Sambre, J.) vide order dated 18.04.2015 passed in the Civil Applications, has stayed the criminal complaints before the Labour Court against the Petitioners for non compliance of the judgments and awards.
- (q) None of the Respondents are in gainful employment.
- (r) Though the Labour Court has refused back-wages to the Respondents, the wages payable under Section 17(B) of the Industrial Disputes Act, 1947 can be computed and can be paid to the Respondents/ Employees.
- (s) All these petitions are without any merit and therefore, should be dismissed.

7 I have considered the submissions of the learned Advocates for the respective sides, who have taken me through the petition paper books. It is not in dispute that this Court earlier refused interim relief to the Petitioner in these petitions instituted in 2004. It is also not in dispute that this Court by order dated 18.04.2015 granted stay to the pending

criminal complaints before the Labour Court instituted under Section 48(1) of the MRTU & PULP Act, 1971.

8 The issue is as regards the length of services put in by the Respondents/ Employees and who have been granted reinstatement with continuity of service by the Labour Court in the impugned awards. The Petitioner is the Municipal Council which does not have the power to create posts. Notwithstanding the fact that the Respondents were working as Safai Kamgars on daily-wages, they were not appointed against the substantive posts. Unless there are permanent vacant posts available, there could not be a continuous employment with the Petitioner.

9 Notwithstanding the above, the Petitioner appears to have continued these employees for periods ranging from 04 to 11 years. The ready reference chart supplied by the parties is reproduced for clarity herein below:-

S. No .	W.P. No.	Name of the party	Date of Appointment	Date of termination	Application for reference	Claim referred	Impugned order
1	4238/04	M.C.J. V/s Hari	01.01.1978	31.12.1987	02.01.1996	26.06.1996	01.12.2003
2	4257/04	M.C.J. V/s Anusaya	01.02.1980	20.06.1985	25.09.1995	14.06.1996	06.10.2003

3	4258/04	M.C.J V/s Dilip	15.02.1984	28.10.1984	28/09/1999	10.01.2001	14.01.2004
4	4259/04	M.C.J V/s Nandu	01.03.1978	31.12.1987	11.12.1995	26.06.1996	13.11.2003
5	4260/04	M.C.J V/s Malanbai	01.03.1978	01.01.1988	11.12.1995	25.06.1996	06.10.2003
6	4263/04	M.C.J.V/s Zubeda	05.03.1978	20.06.1982	25.09.1995	14.06.1996	06.10.2003
7	4274/04	M.C.J V/s Gangubai	11.07.1978	20.08.1984	02.01.1995	26.09.1995	15.10.2003
8	4275/04	M.C.J V/s Sarubai	01/03/77	20.08.1984	25.09.1995	14.06.1996	13.11.2003
9	4276/04	M.C.J V/s Shashikala	01.03.1978	01/01/88	11/12/95	25.06.1996	13.11.2003
10	4277/04	M.C.J V/s Mankarna bai	01.02.1980	20.06.1985	26.12.1995	18.06.1996	28.10.2003
11	4285/04	M.C.J V/s Shantabai	01.03.1978	01.01.1988	02.01.1996	26.06.1996	24.09.2003
		Note :- R.No. Shantabai (WP No.4285/2004) and R.No.1 Dilip (WP/4258/04) had approached Labour Court, Jalna vide complaint No.6, through Union alongwith others, their claim was rejected on 31.08.1995.					

10 It is apparent from the above that one of the employees has put in only 08 months on daily-wages with the Petitioner. Some of them have worked for about 04 to 05 years. The references were instituted in 1995 and 1996. All these references have been answered in the affirmative by the impugned judgments of various dates mentioned in the last column in the chart above.

11 It is undisputed that ever since the termination of these Respondents in between 1984 to 1988, they have been out of employment in the past about 27 to 31 years.

12 In the impugned judgments, the Labour Court has observed that *“Being the matter ex-parte, there is no rebuttal with the IInd party was not in service with the Ist party. The application to the Conciliation Officer makes clear that, the IInd party was in service and the termination was also there.”*

13 The Labour Court appears to have relied upon the contentions of the Respondents in their statements of claims and their affidavits. It was contended by the employees that work is available with the Petitioner. They were in continuous employment and they have been orally terminated. The Labour Court concluded that since there is no rebuttal to the statement made by the employees in their affidavits, their claims need to be accepted. It was in these circumstances that the Labour Court has allowed the references.

14 It is crystallized law that the onus and burden of proving continuous employment thereby, working for a continuous period of 240

days in a calender year preceding the date of reference, lies on the employee. Despite there being no documentary evidence to establish length of employment and continuity as contended by the Respondents/ Employees, the Labour Court has concluded that they have proved the factum of employment on account of their affidavits.

15 I do not find that the conclusions of the Labour Court which are based purely on an affidavit which is an oral statement and in the absence of any documentary evidence, could be sustained. In these circumstances, it would have been possible to remit all the references to the Labour Court for a fresh adjudication by imposing conditions upon the Petitioner to ensure proper and diligent participation in such proceedings and by granting some monetary compensation to the Employees to reduce the rigours of litigation.

16 However, I find that this would amount to reversing the clock of litigation by about 20 years since all the Respondents have been terminated from employment more than 27 years ago. Some of them have been terminated about 33 years ago. All of them are said to be in their late fifties. I, therefore, do not find it proper to vex the Respondents in further litigation.

17 In a similar situation before the Apex Court, it was held that quantifying the compensation in lieu of reinstatement in service and continuity, would be more equitable and pragmatic. In the case of *Assistant Engineer, Rajasthan State Agriculture Marketing Board, Sub Division, Kota v/s Mohanlal* reported in **2013 LLR 1009**, the Apex Court held in paragraph 20 as follows:-

“20. We are clearly of the view that though Limitation Act, 1963 is not applicable to the reference made under the I.D. Act but delay in raising industrial dispute is definitely an important circumstance which the Labour Court must keep in view at the time of exercise of discretion irrespective of whether or not such objection has been raised by the other side. The legal position laid down by this Court in *Assistant Engineer, Rajasthan Development Corporation and Anr. v. Gitam Singh* : (2013) 5 SCC 136 that before exercising its judicial discretion, the Labour Court has to keep in view all relevant factors including the mode and manner of appointment, nature of employment, length of service, the ground on which termination has been set aside and the delay in raising industrial dispute before grant of relief in an industrial dispute, must be invariably followed.”

18 In the matter of *Assistant Engineer, Rajasthan Development Corporation and another Vs. Gitam Singh*, **[(2013) 5 SCC 136]**, the Apex Court concluded in paragraph 29 as follows:-

“29. In light of the above legal position and having regard to the facts of the present case, namely, the workman was engaged as daily wager on 01.03.1991 and he worked hardily for eight months from 01.03.1991 to 31.10.1991, in our view, the Labour Court failed to

exercise its judicial discretion appropriately. The judicial discretion exercised by the Labour Court suffers from serious infirmity. The Single Judge as well as the Division Bench of the High Court also erred in not considering the above aspect at all. The award dated 28.06.2001 directing reinstatement of the Respondent with continuity of service and 25% back wages in the facts and circumstances of the case cannot be sustained and has to be set aside and is set aside. In our view, compensation of Rs. 50,000/- by the Appellant to the Respondent shall meet the ends of justice. We order accordingly. Such payment shall be made to the Respondent within six weeks from today failing which the same will carry interest @ 9 per cent per annum.”

19 In the case of *BSNL Vs. Man Singh*, [(2012) 1 SCC 558], the

Apex Court held in paragraphs 4 and 5 as under:-

- “4. *The award of reinstatement passed by the Labour Court was challenged by the Department by filing writ petitions before the High Court. The High Court after hearing the Learned Counsel for the parties and going through the records of this case, dismissed the writ petitions filed by the Department. The Appellant is thus before this Court.*
5. *This Court in a catena of decisions has clearly laid down that although an order of retrenchment passed in violation of Section 25F of the Industrial Disputes Act may be set aside but an award of reinstatement should not be passed. This Court has distinguished between a daily wager who does not hold a post and a permanent employee.”*

20 So also, in the case of *Jagbir Singh Vs. Haryana State Agriculture Marketing Board* [(2009) 15 SCC 327], the Apex Court held in paragraph 14 as follows:-

“14. It would be, thus, seen that by catena of decisions in recent time, this Court has clearly laid down that an order of retrenchment passed in violation of Section 25F although may be set aside but an award of reinstatement should not, however, be automatically passed. The award of reinstatement with full back wages in a case where the workman has completed 240 days of work in a year preceding the date of termination, particularly, daily wagers has not been found to be proper by this Court and instead compensation has been awarded. This Court has distinguished between a daily wager who does not hold a post and a permanent employee.”

21 This Court has also taken a similar view in the cases of *State of Maharashtra v/s Sanjay Ramchandra Yadav* in Writ Petition No.5474/2012 decided on 24.12.2013 and the *State of Maharashtra v/s Santosh Gorakh Patil* reported in 2015(3) Mh.L.J. 922.

22 Recently, the Apex Court dealt with a similar issue in the case of *Bhavnagar Municipal Corporation v/s Jadeja Govubha Chhanubha* reported in 2015 LLR 160 (SC) : 2014 (13) Scale 434. While drawing its conclusions, the Apex Court considered that the employee was granted reinstatement with continuity of service and 65% of the back-wages. It was in those circumstances that the Apex Court ordered the payment of Rs.2,50,000/- as compensation to the concerned employee.

23 In the light of the above and considering the fact that the

Respondents/ Employees were working with the Petitioner Municipal Council and in the light of the contentions of the Petitioner that it is lacking in funds, I deem it appropriate to quantify the compensation @ Rs.25,000/- per year of service put in by the employee. As such, the Respondents/ Employees shall be entitled for compensation as follows:-

S. N.	W.P. No.	Name of the party	Date of Appointment	Date of termination	Application for reference	Claim referred	Impugned order	COMPENSATION (in Rs.)
1	4238 /04	M.C.J. V/s Hari	01.01 .1978	31.12 .1987	02.01 .1996	26.06. 1996	01.12 .2003	2,50,000/-
2	4257 /04	M.C.J. V/s Anusaya	01.02 .1980	20.06 .1985	25.09 .1995	14.06. 1996	06.10 .2003	1,35,000/-
3	4258 /04	M.C.J V/s Dilip	15.02 .1984	28.10 .1984	28/09 /1999	10.01. 2001	14.01 .2004	20,000/-
4	4259 /04	M.C.J V/s Nandu	01.03 .1978	31.12 .1987	11.12 .1995	26.06. 1996	13.11 .2003	2,45,000/-
5	4260 /04	M.C.J V/s Malanbai	01.03 .1978	01.01 .1988	11.12 .1995	25.06. 1996	06.10 .2003	2,45,000/-
6	4263 /04	M.C.J.V/s Zubeda	05.03 .1978	20.06 .1982	25.09 .1995	14.06. 1996	06.10 .2003	1,35,000/-
7	4274 /04	M.C.J V/s Gangubai	11.07 .1978	20.08 .1984	02.01 .1995	26.09. 1995	15.10 .2003	1,50,000/-
8	4275 /04	M.C.J V/s Sarubai	01/03 /77	20.08 .1984	25.09 .1995	14.06. 1996	13.11 .2003	1,90,000/-
9	4276 /04	M.C.J V/s Shashikala	01.03 .1978	01/0 1/88	11/12 /95	25.06. 1996	13.11 .2003	2,45,000/-
10	4277 /04	M.C.J V/s Mankarnabai	01.02 .1980	20.06 .1985	26.12 .1995	18.06. 1996	28.10 .2003	1,35,000/-
11	4285 /04	M.C.J V/s Shantabai	01.03 .1978	01.01 .1988	02.01 .1996	26.06. 1996	24.09 .2003	2,45,000/-

24 In the light of the above, the Writ Petitions are partly allowed. The impugned judgments and awards are modified and instead of reinstatement with continuity of services, the Petitioner Municipal Council shall pay the compensation amount to the Respondents/ Employees as calculated herein above within a period of FOUR MONTHS from today.

25 In the event, the payment of compensation is delayed, the said amount will carry interest of 9% per annum from the date of this judgment till it's actual realization.

26 Rule is made partly absolute in the above terms.

27 In the light of this judgment, all the pending Civil Applications do not survive and are, therefore, disposed of.

(RAVINDRA V. GHUGE, J.)