

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 3007 OF 2014

Subhash Mahadu Jadhav,
Age 45 years, Occ. Daily Wager,
R/o at Bodhera, Post. Savangi,
Tq. Chalisgaon, Dist. Jalgaon.

..Petitioner

Versus

The State of Maharashtra
Through Deputy Conservator
of Forests (Wildlife) Division,
Station Road, Near Chelipura
High School, Aurangabad.

..Respondent

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Advocate for Petitioner : Shri Shelke Avishkar S.
Advocate for Respondents : Shri Patil Umakant K.
a/w Shri Salgare S.J., AGP

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CORAM : RAVINDRA V. GHUGE, J.
Dated: October 27, 2015
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ORAL JUDGMENT :-

1. Heard.

2. Rule.

3. By consent, Rule is made returnable forthwith and the petition is taken up for final disposal.

4. The grievance of the petitioner is that though the Labour Court has concluded that the petitioner had worked for three years with the

respondent on Daily Wages from 1.8.1995 till 18.2.1998, non-compliance of Section 25-F of the Industrial Disputes Act, 1947 has been sought to be cured by the Labour Court by directing the respondent to pay retrenchment compensation of Rs.2780/- with simple interest at the rate of 9% per annum from 16.9.2004. Shri Shelke, therefore, submits that this direction virtually amounts to permitting the respondent to cure the legal infirmity.

5. Shri Patil, learned Advocate submits that the petitioner was terminated on 18.2.1998, pursuant to a notice. However, presently, the petitioner is in employment and as the work of a Daily Wager is being allotted to the petitioner as and when it is available, this petition is rendered infructuous.

6. It is evident that the Labour Court has not granted reinstatement to the petitioner. Retrenchment compensation is ordered to be paid. Despite the impugned award, the petitioner is reinstated and is being given work from February 2014 as a Daily Wager at the rate of Rs.220/- per day.

7. In this peculiar backdrop, this petition is disposed off as the grievance of the petitioner is redressed by his reinstatement.

8. Ends of justice would be met by observing that the respondent shall maintain a seniority list and shall continue to give work to the petitioner, as per availability and shall abide by the directions given by this Court in its judgment dated 21.8.2015 in Writ Petition Nos. 504, 505 and 555 of 2015 in

paragraph No.20 in relation to similarly situated employees as like the petitioner. In the event, the petitioner is aggrieved by any subsequent development, the same shall be an independent cause of action and the petitioner would be at liberty to seek redressal of his grievance by following the due procedure of law.

9. Rule stands discharged accordingly.

(RAVINDRA V. GHUGE, J.)

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akl/d