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

WRIT PETITION NO. 4641 OF 2013

NARSU KHANDU BHOSALE

VERSUS

EXECUTIVE ENGINEER, KUKADI PROJECT BHUVIKAS DIVISION NO. 1

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Advocate for Petitioners : Mr.Barde Parag Vijay

Advocate for Respondents : Mr.Rajale Gulab B. for R/1.

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 29th June, 2015

Per Court:

1 Mr.Barde, learned Advocate appearing for the Petitioner, submits that on identical set of facts, this Court, in the case of similarly situated workmen as like the Petitioner, has delivered the judgment dated 10.04.2013 enhancing the compensation to Rs.40,000/-. The Respondent in this petition is the Kukadi Project Bhuvikas Division No.1, which is similarly situated to the Respondent in the group of petitions so decided. Mr.Barde, therefore, submits that a similar order be passed in this petition as well.

2 Mr.Rajale, learned Advocate appearing for the Respondent, has vehemently opposed the request of the Petitioner. He points out from

paragraph 5 of the judgment dated 10.04.2013 delivered in Writ Petition No.1414/2013 and group of petitions that the Petitioners in those petitions had worked for about five to six years and raised an industrial dispute under the Industrial Disputes Act, 1947 after passage of about 10 to 12 years.

3 Mr.Rajale submits that in the instant case the Petitioner had worked for about 3 and 1/2 years and had raised an industrial dispute after about 19 years. He, therefore, prays that lesser compensation be awarded.

4 I have considered the view taken by this Court in the judgment dated 10.04.2013 in the case of *Fula Bhoru Ughade v/s Executive Engineer, Ahmednagar Irrigation Department* in Writ Petition No.1414/2013 and group of petitions. It was in 2013 that this Court had granted Rs.40,000/- as compensation to the Petitioners. After a passage of more than two years, I do not find it would be proper to reduce the compensation.

5 In the light of the above, the impugned judgment and award dated 22.11.2012 in Reference (IDA) No.12/2004 is modified. The Respondent is directed to pay an amount of Rs.40,000/- (Rupees Forty

Thousand) as compensation to the Petitioner instead of the compensation of Rs.6,800/- as was granted by the Labour Court in the impugned award.

6 In case the amount of Rs.6,800/- is paid to the Petitioner by virtue of the impugned award, it shall be deducted and the Respondent shall pay the balance amount of Rs.33,200/- (Rupees Thirty Three Thousand Two Hundred) as compensation to the Petitioner within a period of TWELVE WEEKS from today.

7 This petition is, therefore, partly allowed in the above terms.

(RAVINDRA V. GHUGE, J.)