

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.11408 OF 2015

MUNICIPAL COUNCIL PATHARDI,
THROUGH ITS CHIEF OFFICER

PETITIONER

VERSUS

SONYABAPU S/O BHANUDAS JADHAV

RESPONDENT

Mr.R.V.Naiknavare, Advocate for the petitioner.

(CORAM : RAVINDRA V. GHUGE, J.)

DATE : 30/11/2015

PER COURT :

1. The petitioner Municipal Council is aggrieved by the judgment and order dated 22/06/2015, by which the Labour Court has allowed Application (IDA) No.18/2011 and has directed the petitioner to pay an amount of Rs.96,000/- with 9% interest and costs of Rs.1,000/-.

2. Mr.Naiknavare, learned Advocate for the petitioner has strenuously criticized the impugned judgment. He submits that the respondent was orally terminated w.e.f. 01/02/2000. He raised an industrial dispute, which was registered as Ref.(IDA) No.10/2006. By the judgment and award dated 28/01/2011, the reference was partly allowed and the respondent was granted reinstatement with continuity, but without back wages.

3. He further submits that though the said award dated 28/01/2011 is intact and the petitioner is taking steps as against the said award, the respondent has been subsequently reinstated in service.

4. He submits that 8 months wages were not paid to the respondent as the petitioner was contemplating legal remedies and after the respondent was reinstated from October 2011, there is no further issue of payment of wages. He submits that until the award dated 28/01/2011 is sustained by this Court or by the Apex Court, the respondent would have no right to claim wages from the date of the award 28/01/2011 till his reinstatement.

5. I have considered the submissions of the learned Advocate for the petitioner.

6. The petitioner is unable to point out that the award dated 28/01/2011 in Ref.(IDA) No.10/2006 has been set aside by this Court or by the Apex Court. Needless to state, by the said award, the respondent is entitled to reinstatement and in the event, is not so reinstated, would be entitled for the wages till the award is

implemented or is set aside by this Court. Section 17(B) of the I.D.Act, is a clear answer to this situation.

7. The Labour Court, by the impugned judgment dated 22/06/2015, has rightly directed the payment of unpaid wages and has rightly imposed interest on the said amount as the respondent has been made to exert and suffer rigours of litigation so as to earn his daily bread.

8. I, therefore, do not find that the impugned judgment dated 22/06/2015 could be termed as being illegal, erroneous or causing grave injustice to the petitioner.

9. This petition, being devoid of merit, is therefore dismissed.

(RAVINDRA V. GHUGE, J.)