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

WRIT PETITION NO. 4593 OF 2015

Shaskiya Sevetil Abhiyantanchi Sahakari
Pat Sanstha Maryadit, Ahmednagar.
Abhiyanta Bhavan, Pipeline Road,
Ahmednagar.
Through its Manager
Mr.Dattatraya Nivrutti Adhav,
Age about 46 years,
Occ : Service,
R/o C/o Shaskiya Sevetil Abhiyantanchi Sahakari
Pat Sanstha Maryadit, Ahmednagar.
Abhiyanta Bhavan, Pipeline Road,
Ahmednagar.

...PETITIONER

-VERSUS-

Rajendra Bhalchandra Joshi,
Age : Major, Occ : Service,
R/o 128, Block No.724,
Civil Hudco, Savedi Road,
Ahmednagar.

...RESPONDENT

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Advocate for Petitioner : Shri Dipak Changade and Shri V. N. Upadhye.

Advocate for Respondents : Shri Barde Parag Vijay.

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 23rd October, 2015

Oral Judgment:

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Rule. Rule made returnable forthwith and heard finally by the

consent of the parties.

2 The Petitioner is aggrieved by the impugned judgment and order dated 08.08.2014 delivered by the Labour Court in Application (IDA) No.46/2013.

3 I have heard the learned Advocates for the respective sides in extenso.

4 I am passing this order by the consent of the parties taking into account that the Petitioner has lost an opportunity of filing it's Written Statement in Application (IDA) No.46/2013 on account of self created circumstances. I am not dealing with the facts of the case since this petition is being partly allowed by consent.

5 It is undisputed that the judgment of the Labour Court dated 27.02.2009 delivered in Complaint (ULP) No.83/1999 by which the Respondent has challenged his termination order, was sustained in the Industrial Court in Revision (ULP) No.16/2009 vide judgment dated 27.02.2013. Writ Petition No.8430/2013 filed by the Petitioner has been admitted by this Court and no interim relief has been granted vide order dated 17.02.2014. The Special Leave Petition filed by the Petitioner has

been dismissed by the Honourable Supreme Court by its order dated 01.07.2014.

6 The issue, therefore, is as regards the reinstatement of the Respondent w.e.f. 27.02.2009, which has been granted by the Labour Court without back-wages but, with continuity of service.

7 By consent, the impugned judgment and order dated 08.08.2014 delivered by the 2nd Labour Court is quashed and set aside and the following directions are being issued:-

- (a) Application (IDA) No.46/2013 is remitted back to the Labour Court and the parties shall appear before the Labour Court on 30.11.2015. Formal notices need not be issued by the Labour Court.
- (b) The Petitioner shall deposit an amount of Rs.7 lac before the 2nd Labour Court within a period of SIX WEEKS from today.
- (c) The Petitioner shall reinstate the Respondent who shall report for duties on 02.11.2015 at 10:30 am.
- (d) Starting from 01.11.2015, the Petitioner shall pay the Respondent his monthly salary at the rate which is being drawn by the comparable workers with the same service tenure (at par with comparable employees).

- (e) The Written Statement which is placed on record shall be accepted and shall be granted exhibit number by the Labour Court.
- (f) Application (IDA) No.46/2013 shall be decided as expeditiously as possible and preferably on or before 30.04.2016.
- (g) The amount of Rs.7 lac to be deposited by the Petitioner within six weeks from today before the Labour Court, shall be apportioned by the Labour Court after deciding the application on its own merits.
- (h) After the Written Statement is taken on record, both the litigating sides are permitted to lead oral and documentary evidence in addition to the evidence already recorded.
- (i) In the event, the Petitioner does not comply with the order of deposit and the order of reinstating the Respondent, this order shall stand recalled and the judgment dated 08.08.2014 in Application (IDA) No.46/2013 shall stand restored and this petition, therefore, will stand dismissed.
- (j) The Petitioner makes a statement that adjournment on unreasonable and trivial grounds shall not be sought for before the Labour Court. In the event, such an adjournment is sought, the Labour Court will be at liberty to reject such

motion.

9 Rule is made partly absolute in the above terms.

(RAVINDRA V. GHUGE, J.)