

Sequeira

*IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION*

WRIT PETITION NO. 7069 OF 2000

Maharashtra State Road Transport
Corporation, having its office at
Vahatuk Bhavan, Dr.A.Nair Marg,
Bellasis Road, Bombay Central,
Bombay-400 008.

.. Petitioner

V e r s u s.

Shri Hiranman Ratan Jadhav
Taluka Kalwan, Nashik.

.. Respondent

Mr.C.M.Lokesh i/b Mr.G.S.Hegde, for the Petitioner.
None for the Respondent.

***CORAM: N.M.Jamdar, J.
Wednesday 16 December, 2015***

Oral Judgment :

By this petition the Petitioner challenges the order passed by the Industrial Court Nasik, in Complaint (ULP) No.388 of 1997 dated 18 July 2000. By the impugned order the Petitioner is directed to provide work of cleaner to the Respondent and to pay wages for the post of cleaner from 10 June 1997.

2. At the time of issuing rule in this petition and granting interim relief, the submission of the Petitioner that the Respondent has been given employment was recorded. Thereafter none has appeared on behalf of the Respondent. It appears that the

Respondent is working with the Petitioner-Corporation and the only question therefore remains is of the back wages ordered from 10 June 1997 till the date of the impugned order i.e. 18 July 2000.

3. The Respondent was working as a driver. He was found medically unfit. Thereafter his services were terminated on 15 September 1994. Thereafter the Tribunal found that there was no question of appointing the Respondent on compassionate basis as in view of the fact that the Respondent was found medically unfit for the post of driver, the Petitioner-Corporation ought to have given him lighter alternate work. The Industrial Court found that the action of the Petitioner-Corporation in terminating the services, and not granting him work as a cleaner, immediately was not proper. The Respondent ultimately was appointed on compassionate basis.

4. As stated above the Respondent was needlessly made to wait in the waiting list of compassionate appointment when he should have been given alternate light duty. The Industrial Court has not granted wages to the Respondent from 1994 but from 10 June 1997. There is no perversity or error in the approach of the Industrial Court. As stated above, the Respondent has already been re-instated in service. The Writ Petition is accordingly **dismissed**. **Rule** discharged.

(N.M.Jamdar, J.)