**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**CIVIL APPELLATE JURISDICTION**
**WRIT PETITION NO. 9421 OF 2014**

Krishna Shankar Nade Petitioner

Vs

Yogesh Chandan (Employer) .. Respondent

Ms. K.S.Prabhu i/b Sanjay C Prabhu, Advocate for Petitioner.

CORAM : R.G.KETKAR,J.
DATE : 02/03/2015

PC:

1. Heard Ms.K.S.Prabhu, learned counsel for the petitioner. Since the petitioner could not engage Advocate, he approached Legal Aid Committee and accordingly she is appointed by the Legal Aid Committee.

2. By this Petition under Article 227 of the Constitution of India, the petitioner has challenged the Judgment and Award dated 12.2.2014 passed by the learned Presiding Officer, Second Labour Court, Pune in Reference (ID) No.222 of 2009. By that order, the Labour Court allowed the Reference and directed the respondent herein to reinstate the petitioner-second party within two months from publication of the Award with continuity of service. The Labour Court refused back wages. It is only to the extent of refusal of back wages, the present petition is instituted.

3. In support of this Petition, Ms .Prabhu submitted that without giving any reason, the Labour Court has refused relief of

payment of back wages. She further submitted that though the impugned Award was made on 12.2.2014 and is also duly published, till date the respondent has not reinstated the petitioner with continuity of service.

4. As far as refusal of payment of back wages is concerned, the Labour Court has observed that in the affidavit-in-lieu of examination-in-chief, the petitioner did not disclose as to whether he made attempt for securing job. In other words, his affidavit was totally silent in that regard. I, therefore, do not find that the Labour Court committed any error in refusing back wages.

5. As far as the grievance made by the petitioner that the respondent has not, till date, implemented the impugned order is concerned, liberty is reserved to the petitioner to adopt appropriate proceeding. Subject to that, the Petition fails and is, therefore, dismissed.

6. Before parting, this Court places on record appreciation of the services rendered by Ms Prabhu.

(R.G.KETKAR, J.)