

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Writ Petition No.1964 of 2012
(Roshan s/o Sudam Deshbhratar v. Hotel Kundan Plaza and others)

Office Notes, Memoranda of Coram,
appearances, Court's orders or directions Court's or Judge's orders
and Registrar's order

Shri A.A. Kathane, Advocate for Petitioner.

Coram : R.K. Deshpande, J.

Dated : 6th January, 2015

Misc. Civil Application Stamp No.113 of 2015 is allowed.
The necessary amendment be carried out forthwith. The Misc. Civil
Application stands disposed of.

The Labour Court has recorded the finding that the petitioner-workman has completed 240 days' of continuous service preceding the date of termination and there was non-compliance of the mandatory requirement of Section 25-F of the Industrial Disputes Act, 1947. However, in lieu of reinstatement and other benefits, the Labour Court has directed payment of 24 months' wages at the rate of Rs.1,000/- per month by way of compensation along with interest at the rate of 9% per annum from the date of the order till its realization. Revision (ULP) No.10 of 2010 filed by the petitioner-workman has been dismissed by the Industrial Court on 10-11-2011. Hence, this

petition by a workman claiming back wages and reinstatement in service.

With the assistance of the learned counsel appearing for the petitioner-workman, I have gone through the judgments and orders passed by the Labour Court and the Industrial Court. The only finding recorded by the Labour Court is that the petitioner-workman was found to be working on 23-3-1994 and 1-8-1997. The inference is drawn that the petitioner-workman was continuously working from 23-3-1994 to 1-8-1997. There is no finding recorded that the petitioner-workman has established that he was in continuous service of 240 days preceding the date of termination. Be that as it may. The evidence is only in respect of two days' working, i.e. for 23-3-1994 and 1-8-1997. However, that by itself is not enough to attract the provision of Section 25-F of the Industrial Disputes Act. At any rate, the Labour Court has awarded the compensation in lieu of reinstatement and other benefits till the order is confirmed in revision, which does not call for any interference.

The petition is dismissed.

Judge

Lanjewar