

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

Writ Petition No.6031 of 2014

(State of Maharashtra, Forest Department, Mantralaya, Mumbai, through its Secretary, and others v. Rajesh s/o Baburao Jamgade and others),

Writ Petition No.6654 of 2014

(State of Maharashtra, Forest Department, through its Secretary, Mantralaya, Mumbai, and others v. Shri Sunil Deorao Nitnaware and others),

Writ Petition No.131 of 2015

(Sunil s/o Deorao Nitnaware v. The State of Maharashtra, through its Secretary, Forest Department, Mantralaya, Mumbai and others)

And

Writ Petition No.143 of 2015

(Rajesh s/o Baburao Jamgade v. The State of Maharashtra, through its Secretary, Forest Department, Mantralaya, Mumbai and others)

Office Notes, Memoranda of Coram,

appearances, Court's orders or directions

Court's or Judge's orders

and Registrar's order

In Writ Petitions No.6031 and 6654 of 2014 :

Shri N.S. Autkar, Advocate, holding for Smt. Bharti Dangre, Govt. Pleader for Petitioners.

Shri Abhay Sambre, Advocate for Respondent No.1.

Shri H.D. Dubey, Assistant Government Pleader for Respondent Nos.2 and 3.

In Writ Petitions No.131 and 143 of 2015 :

Shri Abhay Sambre, Advocate for Petitioners.

Shri H.D. Dubey, Assistant Government Pleader for Respondent No.1.

Shri N.S. Autkar, Advocate, holding for Smt. Bharti Dangre, Govt. Pleader for Respondent Nos.2 and 3.

Coram : R.K. Deshpande, J.
Date : 30th September, 2015

Writ Petitions No.6031 and 6654 of 2014 :

The challenge in these petitions is to the judgment and order dated 3-1-2014 passed by the Industrial Court, partly allowing Revisions (ULP) No.52 and 53 of 2009 by setting aside the judgment and order passed by the Labour Court on 11-9-2008 and directing reinstatement of the complainants with continuity in service, but without back wages.

The Industrial Court has recorded the finding that the continuous service rendered by the complainants for a period of 240 days has been admitted in the notice of retrenchment dated 6-7-1994. The Industrial Court has also recorded the finding in para 19 of its judgment and order that the work was available. The Industrial Court has further held that the compensation offered to the complainants was not correctly calculated and, therefore, upon violation of Section 25F of the Industrial Disputes Act, 1947, the order of reinstatement has been passed. The Industrial Court has taken a possible view of the matter, which does not call for interference.

The petitions are dismissed. Needless to say that it is always open for the employer to retrench the employee by following the procedure prescribed by law.

Writ Petitions No.131 and 143 of 2015 :

In these petitions, no case is made out for grant of back wages to petitioner-complainants.

The petitions are dismissed.

Judge.

Lanjewar