

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

WRIT PETITION No.569 of 2014

(Subhash s/o.Mukundsa Ambekar .vs. Mah. State Electricity Board/MSEDCL and Ors.)

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

Court's or Judge's orders

CORAM : B.P.DHARMADHIKARI &
A.P.BHANGALE, JJ.

DATE : 4.3.2015.

Heard Mr.S.R.Deshpande, learned Counsel for the petitioner and Mr.S.V.Purohit, learned Counsel for the respondents.

Mr.S.V.Purohit, learned Counsel is seeking time to file reply as, according to him, way back in the year 2008, the petitioner was reinstated as a labour on daily wages and has been paid accordingly.

Mr.S.R.Deshpande, learned Counsel for the petitioner disputes this. He submits that the Labour Court, Akola, on 26.7.2004, delivered Award in favour of the petitioner granting him relief of reinstatement with full backwages from October, 1980.

That Award was then questioned before this Court and the Writ Petition was rejected on 10th September, 2007. Review thereof was also rejected. After retirement, the petitioner is given terminal benefits as a labour only. If his employment from the year 1980 onwards is looked into, the petitioner is entitled to further promotions. Those

promotions or benefits of time bound program Scheme are not given to the petitioner.

Mr.S.V.Purohit, learned Counsel for the respondents points out that all these contentions raise only disputed questions of facts.

Mr.S.R.Deshpande, learned Counsel for the petitioner, in this background, submits that, if without prejudice to the rights of respondents, the petitioner is given leave to make proper representation and that representation is decided as per law, the grievance of the petitioner may be redressed.

Mr.S.V.Purohit, learned Counsel is opposing any such leave.

However, in the peculiar circumstances, as the employee has been directed to be reinstated by orders of this Court almost 28 years after his initial termination and he reached the age of superannuation shortly thereafter, we grant leave as sought for by Mr.S.R.Deshpande, learned Counsel. It appears that the petitioner may not be in a position to appreciate the stand of the respondents or then the position appearing from their records. Hence, we allow the petitioner leave to make appropriate representation pointing out his grievance in the petition within four weeks from today and to take help of some friend.

If such representation is made, the respondents shall consider it in accordance with law after giving the petitioner/his representative an opportunity to peruse the records within next six weeks.

Leaving all the rival contentions open and with the above directions, we dispose of the Writ Petition. No costs.

JUDGE

JUDGE

jaiswal