

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 6371 OF 2014

Shamsuddin S/o Kalamat Khan

-vs-

Western Coalfields Limited, Nagpur and others

WRIT PETITION NO. 5893 OF 2014

Pandurang S/o Chintaman Kadu

-vs-

Western Coalfields Limited, Nagpur and others

WRIT PETITION NO. 7263 OF 2014

Ashok S/o Pundlik Wasnik

-vs-

Western Coalfields Limited, Nagpur and others

WRIT PETITION NO. 7265 OF 2014

Shivkumar S/o Madhukar Hadke

-vs-

Western Coalfields Limited, Nagpur and others

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr.D.S.Thakur, counsel for the petitioner.
Mr.S.C.Mehadia, counsel for the respondents.

CORAM : SMT. VASANTI A. NAIK &
A.M.BADAR, JJ.

DATE : 06.04.2015.

Heard.

Since the issue involved in these writ petitions is identical and similar prayers are made by the petitioners herein, they are heard together and are decided by this common order.

Shri Thakur, the learned counsel for the petitioners, states that the issue involved in these cases stands answered in favour of the petitioners by the judgment

in the case of Jayram v. Union of India, reported in 2014 (1) Mh.L.J. 370. It is stated that after considering the provisions of Section 47 of the Persons With Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, this Court had partly allowed the writ petition and had granted the benefits under Section 47 of the Act of 1995 to the petitioner in the said writ petition. It is stated that this Court had restricted the relief in the form of difference of wages only for a period of three years preceding the filing of the writ petition. The learned counsel for the petitioners seeks a similar order in these cases also.

Shri Mehadia, the learned counsel for the respondents, does not dispute that similar writ petitions were decided by the common judgment dated 07/10/2013, reported in 2014 (1) Mh.L.J. 370. It is admitted that in those cases, the petitioners were granted the benefits under Section 47 of the Act of 1995 and the pay of the petitioners therein is protected. In these cases also, according to the learned counsel for the respondents, the monetary benefits may be restricted for a period of three years preceding the date of filing of the writ petitions.

On hearing the learned counsel for the parties and on a perusal of the judgment reported in 2014 (1) Mh.L.J. 370 as also the provisions of Section 47 of the Act of 1995, it appears that the relief sought by the petitioner is required to be granted.

Hence, for the reasons recorded in the judgment dated 07/10/2013 reported in 2014 (1) Mh.L.J. 370, we partly allow these writ petitions. We hereby declare that the petitioners are entitled to the benefit of Section 47 of the Act of 1995 and the pay of the petitioners is required to be protected. The petitioners would, however, not be entitled to

difference of pay or wages for a period of more than three years preceding the date of filing of the writ petitions. The petitioners would, therefore, be entitled to the monetary benefits only for a period of three years before the filing of the writ petitions. The respondents are directed to take necessary steps in pursuance of this order within a period of three months.

Order accordingly. No order as to costs.

JUDGE

JUDGE

KHUNTE