

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.4052 OF 1995

The State of Maharashtra.
Through Executive Engineer,
Public Works Department,
At Post Sangamner,
District Ahmednagar.

...PETITIONER

-VERSUS-

1 Shri Mastan Badshak Shaikh,
R/o Talegaon, Taluka Sangamner,
District Ahmednagar.

2 The learned Presiding Officer,
First Labour Court,
Ahmednagar.

...RESPONDENTS

...
Shri S.W.Munde, AGP for the Petitioner/ State.
Shri A.S.Shelke, Advocate for Respondent No.1.
...

CORAM: RAVINDRA V. GHUGE, J.

DATE :- 12th August, 2016

Oral Judgment :

1 Respondent No.2 is not a necessary party and hence, stands deleted.

2 The Petitioner is aggrieved by the award dated 29.10.1994 by which Reference (IDA) No.67/1989 was allowed by the Labour Court and

the Respondent/ Employee was granted reinstatement with continuity of service and back-wages at the rate of Rs.331/- per month from 01.01.1990 till the date of the award.

3 It is not disputed that after this Court stayed the impugned award, the Petitioner has paid an amount of Rs.52,969/- to the Respondent/ Employee by way of wages under Section 17-B of the Industrial Disputes Act, 1947. As such, the Respondent has, therefore, been paid the entire wages from 01.01.1990 till his attaining the age of 60 years on 30.04.2003.

4 It was the case of the Respondent that he joined employment on 11.03.1985 and was terminated on 01.05.1987. As such, he worked for two years and is out of employment for 29 years.

5 As such, the ratio of the grant of compensation at the rate of Rs.30,000/- per year of service put in by the Employee as is laid down by the Honourable Supreme Court in the following four judgments needs to be followed :-

(a) *Assistant Engineer, Rajasthan State Agriculture Marketing Board, Sub-Division, Kota Vs. Mohanlal, [2013 LLR 1009];*

(b) *Assistant Engineer, Rajasthan Development Corporation and*

another Vs. Gitam Singh, [(2013) 5 SCC 136];

(c) *BSNL Vs. Man Singh, [(2012) 1 SCC 558]; and*

(d) *Jagbir Singh Vs. Haryana State Agriculture Marketing Board, [(2009) 15 SCC 327].*

6 Considering the above, the Respondent/ Employee would be entitled for Rs.60,000/- as compensation in lieu of reinstatement and continuity. He has already been paid Rs.52,969/- towards Section 17-B wages.

7 In the light of the above, the impugned award shall stand modified by grant of compensation in lieu of reinstatement with continuity and back-wages. As such, the Petitioner shall, therefore, pay an amount of Rs.07,000/- (Rupees Seven Thousand) to the Respondent/ Employee within TWELVE WEEKS from today, failing which the said amount will carry interest at the rate of 6% per annum from the date of the award till it's actual payment.

8 The Writ Petition is partly allowed in the above terms. Rule is made partly absolute accordingly.