

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

WRIT PETITION NO.4049 OF 1995

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

...PETITIONER

-VERSUS-

1 Shri Madhav Bhimji Dighe,
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 08.06.1994 by which Reference (IDA) No.62/1990 was allowed and the Respondent/

Employee was granted reinstatement with continuity and full back-wages from 01.03.1987.

3 This Court had stayed the impugned award by order dated 17.02.1998. The application filed by the Respondent/ Employee seeking benefits of Section 17-B of the Industrial Disputes Act, 1947 was granted by this Court by order dated 12.09.2003 and consequentially, the Respondent/ Employee has been paid Rs.44,080/- by way of last drawn wages for the period 21.04.2003 to 30.06.2012.

4 It is not in dispute that the Respondent/ Employee worked from 01.06.1985 to 28.02.1987, which is a period of about two years. He is out of employment for more than 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. He has already been paid Rs.44,080/- 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.16,000/- (Rupees Sixteen 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.