

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

WRIT PETITION NO.5646 OF 1996

M/s Kinetic Engineering Ltd.,
Nagar Dhond Road,
Ahmednagar, District Ahmednagar.

...PETITIONER

-VERSUS-

1 Narhari Madhavrao Jiddewar,
 C/o T.M.Patil Chawl,
 Gavane Vasti, Bhosari,
 Pune-411039.

2 The Presiding Officer,
 Second Labour Court,
 Ahmednagar.

...RESPONDENTS

...
Advocate for Applicant : Shri Bedre Vinayak Sudhakar.
Advocate for Respondent 1 : Shri Tarde Vivek V.
...

CORAM: RAVINDRA V. GHUGE, J.

DATE :- 23rd August, 2016

Oral Judgment :

1 The learned Advocates for the respective sides submit that they have no objection if this Court hears this petition.

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

3 The Petitioner has challenged the award dated 18.08.1995 delivered by the Labour Court by which Reference (IDA) No.2/1988 has been allowed and the Respondent/ Employee has been granted reinstatement without back wages and without continuity of service.

4 I have considered the submissions of the learned Advocates for the respective sides for quite sometime.

5 This Court had granted interim relief to the Petitioner on 16.12.1996 by passing the following order:-

“Notice before admission, to be heard along with W.P No.435/1996.

2. *Mr.D.V.Kulkarni, learned counsel for the petitioner submits that the petitioner is ready to appoint the respondent as per the seniority list as and when his turn comes. He further submits that the respondent would get chance for work on this basis and this is without prejudice to the rights and contentions of the parties. In that view of the matter, ad-interim relief in terms of prayer clause (b) subject to the appointment of the respondent on seniority basis.”*

6 As such, this Court had directed the appointment of the Respondent/ Employee on seniority basis. There is no dispute that the Respondent has, therefore, been reinstated in service on 15.07.1998. Thereafter, he has continued in employment and has retired on attaining

the age of superannuation on 16.06.2015.

7 Considering the above, I find that there is no purpose in considering this petition for the reason that in the event this Court comes to a conclusion that the award was unsustainable, it would result in taking away benefits which have already been paid to the Respondent/Employee. Pursuant to his reinstatement, he has worked continuously. Upon his superannuation, he has been paid retiral benefits like gratuity and provident fund accumulations.

8 It cannot be ignored that the Labour Court while partly allowing the reference proceedings has refused continuity in service and back wages to the Respondent. He challenged the said continuity in Writ Petition No.435/1996 and the same has been dismissed by this Court on 18.01.1996. As such, the impugned Award has been sustained by this Court, earlier.

9 Considering the above, I do not find that there is any purpose left in entertaining this Writ Petition. The same is, therefore, disposed of. Rule is discharged.