

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

WRIT PETITION NO. 848 OF 1997

The State of Maharashtra.
Through Deputy Director,
Social Forestry Division,
Maharashtra, Sudkemala,
Ahmednagar.

...PETITIONER

-VERSUS-

Bhimraj Kisan Markad,
Age : 27 years, Occupation : Nil,
R/o Madhi (Kanifnath),
Tq.Pathardi, District Ahmednagar.

...RESPONDENT

...

AGP for Petitioner : Shri PN.Kutti.
Advocate for Respondent : Shri S S Shete.

...

CORAM: RAVINDRA V. GHUGE, J.

DATE :- 20th October, 2016

Oral Judgment :

1 The Petitioner is aggrieved by the judgment and award dated 27.09.1996 by which the Labour Court has allowed Reference (IDA) No.88/1991 and has granted reinstatement with continuity in service and 50% back wages from 01.11.1991.

2 This Court had admitted this petition by order dated 10.10.1997 and by granting interim relief in terms of prayer clause (D), the impugned award has been stayed. The Respondent/ Employee has not preferred an application for claiming benefits under Section 17-B of the Industrial Disputes Act, 1947.

3 The Respondent had claimed before the Labour Court that he was working as a Watchman on daily wages from 09.02.1984 till 31.01.1986. His last drawn wages were at the rate of Rs.216/- per month. He was not given any appointment order and was orally disengaged.

4 The Petitioner had produced the documents at Exhibits C/6 and C/11 which indicated that the scheme of protecting the concerned land was handed over to the Gram Panchayat, Nivdunge in March, 1987. No work is available with the Petitioner. By the documents below the list Exhibit C/10 it was established that the nurseries were transferred to the Gram Panchayat as per the Government Resolution dated 24.09.1986.

5 It appears from the impugned award that the Petitioner produced the chart before the Labour Court to indicate that the Respondent was working for 296 days between March, 1984 to December, 1984 and had worked for about 336 days in between January, 1985 to

December, 1985. He was disengaged on 01.02.1986. It, therefore, appears that the Respondent had worked for two years in continuous employment. By virtue of the order of this Court dated 10.10.1997, the Respondent is out of employment for the last about 30 years.

6 It is thus, evident in this case that the Respondent had worked for two years and was out of employment for 30 years. In my view, it would be appropriate to quantify compensation to be paid to the Respondent in the light of the ratio laid down by the Honourable Supreme Court in the following four cases :-

- (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]*.

7 As the Honourable Supreme Court has held that the amount of Rs.30,000/- per year of service put in by the employee would be an appropriate compensation, this petition is partly allowed. The impugned

award is modified and the Petitioner is directed to pay an amount of Rs.60,000/- (Rupees Sixty Thousand) to the Respondent in lieu of reinstatement, continuity and back wages, within a period of SIXTEEN (16) WEEKS from today. In the event, the said amount is not paid within the time frame as above, the Respondent would be entitled for simple interest at the rate of 6% per annum from the date of the award and the amount of interest would then be paid from the salary of the Deputy Director, Social Forestry Division, Ahmednagar. Needless to state, the interest amount shall not be paid from the State exchequer.

8 Rule is made partly absolute in the above terms.

kps

(RAVINDRA V. GHUGE, J.)