

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 4211 OF 2002

The Sabhapati,
Krishi Utpanna Bazar Samiti
Ausa at and post Ausa,
District Latur.

..Petitioner

Versus

Vice President
Marathwada Sarva Shramik
Sanghtana Through Trade Union
Centre, Arya Samaj, Latur.

..Respondent

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Advocate for Petitioner : Shri V.N.Upadhye
Advocate for Respondent : Shri S.S.Manale

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CORAM : RAVINDRA V. GHUGE, J.
Dated: July 28, 2016
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ORAL JUDGMENT :-

1. The petitioner is aggrieved by the judgment dated 4.2.1993, by which, the Labour Court allowed Complaint ULP No.52 of 1988, filed by the respondent / Union on behalf of three employees, namely, Suresh Vasantrao Kusumkar, Ratansingh Govindsingh Thakur and Hemant G.Jadhav. The petitioner is also aggrieved by the judgment dated 9.8.2002, by which, Revision (ULP) No.18 of 1993 filed by the petitioner has been dismissed by the Industrial Court.

2. I have considered the strenuous submissions of Shri Upadhye, who has criticized the impugned judgment and has prayed that both

the judgments deserve to be quashed and set aside.

3. Shri Manale, learned Advocate for the respondent / Union, has strenuously supported the impugned judgment.

4. This Court, while admitting the petition on 2.12.2002 has passed the following order:-

“ Heard Shri Upadhye, Advocate for the petitioner and Shri Manale, Advocate for the respondent. Rule. Expedite. Interim stay to the impugned order. However, it is made clear that the A.P.M.C., Ausa shall appoint the persons as mentioned in Clause (ii) of the order dated 9.8.2002 as and when the work is available. ”

5. Shri Upadhye submits that the only employee concerned in this proceeding is Ratansingh Govindsingh Thakur since the other two aforesaid employees have settled the matter with the petitioner and they have been reinstated in service on the condition that they will not claim the backwages. This settlement has been arrived at by way of a compromise dated 3.3.2002 before the Industrial Court at Solapur. A copy of the said compromise is placed on record, which is marked as Exhibit “X” for identification.

6. The record reveals that Ratansingh Thakur had worked with

the petitioner from 30.11.1984 till 15.7.1988. He had, therefore, put in about 4 years and 9 months with the petitioner.

7. The Industrial Court has noted in the impugned judgment that during the pendency of the Revision proceedings, a compromise has taken place between the petitioner and the respondent / Union, which is Exhibit "X" placed on record. At the relevant time, since Ratansingh Thakur was not agreeable for waiving the backwages, he has been left out and the remaining two employees have been reinstated in service. In this backdrop, the Industrial Court directed the petitioner to reinstate Ratansingh Thakur on similar terms i.e. waiver of backwages as like Shri Kusumkar and Shri Jadhav.

8. The interim order passed by this Court, therefore, takes care of the interest of Shri Ratansingh Thakur.

9. I do not find that the impugned judgment could be termed as being perverse or erroneous so as to cause any interference in the writ and/or supervisory jurisdiction of this Court.

10. In the event the said Ratansingh Thakur is presently being engaged in employment, the petitioner shall continue to engage him. In the event he has not reported for work and if he reports for work pursuant to this judgment, the same shall be on the same terms of

waiver of backwages as directed by the Industrial Court, till the date on which he resumes duties.

11. This petition is, therefore, dismissed. Rule is discharged.

(RAVINDRA V. GHUGE, J.)

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