

IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD

WRIT PETITION NO.2613 OF 1997

The State of Maharashtra,  
Through, The Executive Engineer  
Public Works Division,  
In front of Collector Office,  
Zilha Peth, Jalgaon

-- PETITIONER

VERSUS

Eknath Chindu Narwade,  
At Post : Takli, Tq. Jamner,  
Dist. Jalgaon

-- RESPONDENT

Mr.N.T.Bhagat, AGP for the petitioner/State.  
Mr.G.V.Wani and Mr.V.Y.Patil, Advocates for the respondent. (Absent)

( CORAM : RAVINDRA V. GHUGE, J.)

DATE : 02/12/2016

ORAL JUDGMENT :

1. This matter was adjourned on 01/12/2016 to enable either of the two lawyers representing the respondent to appear in the matter.
2. None appears for the respondent even today.
3. The petitioner has challenged the award dated 26/10/1995 delivered by the Labour Court by which Ref.(IDA) No.41/1991 has been partly allowed. The respondent/employee has been granted

reinstatement with continuity and 25% back wages from 18/05/1988. While admitting this matter on 21/07/1997, the impugned award was stayed. However, as the petition was dismissed for no-removal of office objections, the petitioner moved Civil Application No.4843/2003 seeking restoration.

4. This Court, by order dated 10/06/2005, has restored the writ petition by passing a detailed order. Costs of Rs.10,000/- was directed to be deposited in this Court and the said amount was deposited. However, in paragraph No.8 of the said order, this Court issued directions to the petitioner, which read as follows :-

*“On deposit, the same be paid to the respondent. I further direct that the Government Pleader or for that purpose, the AGP to make a statement to the effect that the respondent is reinstate in service and paid all the dues including back wages by the Department and in case, the back wages are not paid as yet, the same be paid to the respondent within three weeks from today. On these conditions, the Civil Application is allowed. If the cost as stated above and the conditions imposed are not complied with on or before 27<sup>th</sup> June 2005, the original order dated 12/12/1997 stands restored.”*

5. Considering the above, the respondent has withdrawn the amount of Rs.10,000/-. Learned AGP submits on instructions

gathered from the Executive Engineer and the Deputy Engineer of P.W.D. Jalgaon that pursuant to the above directions, the respondent was reinstated in service, was given the benefits as directed and pursuant to his superannuation, has been given retiral benefits.

6. In the light of the above, this petition has been rendered infructuous. Same is disposed of. Rule is discharged.

( RAVINDRA V. GHUGE, J.)