

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 5943 OF 2016
WITH
REVIEW APPLICATION (ST) NO. 12425 OF 2016

POMU MONU RATHOD AND ANOTHER
VERSUS
SHRI LAL BAHADUR MAGAS SAMAJ SEVA MANDAL AND ORS

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Advocate for Applicants : Shri Gunale P.G. h/f Shri Rodge P.G.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: May 02, 2016
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PER COURT :-

1. For the reasons set out in the Civil Application delay of 55 days is condoned. The Civil Application is allowed and the learned Advocate is heard on the Review Application.
2. It is strenuously contended by the learned Advocate that the applicants have collected sufficient record to prove continued employment. They have worked for more than two years in continued service. They should be granted backwages for 23 years during which they were out of employment. Amount of compensation granted by this Court is a meager amount.
3. I have considered the submissions of the learned Advocate.
4. This Court has considered the fact that the applicants had proved continuous service before the Labour Court and based on the same, their complaints were allowed. It had been the contention of the applicants that they had been working with effect from 11.7.1991 till 26.6.1993. It was their own case that they had worked for about 23 months.
5. This Court while considering the Writ Petition had placed reliance upon the four judgments delivered by the Honourable Supreme Court,

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wherein, it was held that in the cases of short spell of working followed by long spell of unemployment, compensation in lieu of reinstatement in service is more appropriate and practicable. The Honourable Apex Court has concluded that compensation be quantified at the rate of Rs.30,000/- per year of service put in by the employee. Though both the applicants had put in less than two years of employment, this Court had granted Rs.1,00,000/- to each of the applicants, who are husband and wife.

6. I, therefore, do not find that the applicants have pointed out any error apparent on the face of the order.

7. The Review Petition, being devoid of merits, is dismissed.

(RAVINDRA V. GHUGE, J.)

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