

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6562 OF 2015

Mr. Shankar Janglu Godase

.... Petitioner

VS

The Executive Engineer,
Public Works Department and 2 ors.

.... Respondents

Mr. Manoj Harit i/by Manoj Harit & Co for the petitioner.

Mr. V.N. Sagare, AGP for respondent/State.

**CORAM: ANOOP V. MOHTA AND
G. S. KULKARNI, JJ.****DATE : September 28, 2016**

ORDER:

On hearing the Petitioner, we are inclined to dispose of the present writ petition as, through the present writ petition, the Petitioner is basically seeking execution of order dated 13.08.2012 passed by the learned Judge, Labour Court, Nasik in Complaint (ULP) Nos. 197/1994 and 199/1994. The operative part of order dated is as under :

“1) Complaints (ULP) No. 197/1994 & 199/1994 are hereby allowed with costs.

2) It is hereby declared that respondents

department has committed unfair labour practice within Item – 1(b) & (f) of Sch. IV of MRTU & PULP Act, 1971 by terminating both the complainants Shri Shankar Janglu Godase and Shri Ramesh Gangadhar Kunvar without following due procedure of Sec. 25-F of Industrial Disputes Act, 1947 and they are desisted from committing such practice in future.

3) Further the respondents department is directed to reinstate both the complainants Shri Shankar Janglu Godase and Shri Ramesh Gangadhar Kunvar in their past employment as mail majoors on temporary basis with continuity of service and with full back wages w.e.f. 09.04.1987.

4) The respondents department shall pay costs of Rs.2000/- (Rs. Two Thousand only) to the above complainants each and shall bear their own costs.

5) Copy of this common order and judgment be kept in Complaint (ULP) No.199/1994.”

2 Though against the said order, revision is maintained, still in view of the fact of availability of the remedy of execution of the same, we are not inclined to entertain the present writ petition. However, liberty is granted to invoke the appropriate remedy in accordance with law. However, this would not preclude the Respondents from considering the implementation of the orders, if orders of Labour Court have attained finality.

3 As the Petition cannot be entertained, the writ petition is accordingly disposed of in the above terms.

4 There shall be no order as to costs.

(G. S. KULKARNI, J.)

(ANOOP V. MOHTA, J.)