

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3089 OF 2016

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mrs.M.S.Bane, 'B' Panel Counsel for the petitioner

CORAM : K. K. TATED, J.

DATE : DECEMBER 9, 2016

P.C.:

1 Heard the learned 'B' Panel Counsel for the petitioner.

2 By this petition under Article 226 and 227 of the Constitution of India the Petitioner challenges the order dated 31.1.2013 passed by Industrial Court, Sangli in complaint (ULP) No.33 of 2005 directing petitioner to comply the order dated 20.11.2004 passed by Labour Court, Sangli in Reference (IDA) No.33 of 1994.

3 The Industrial Court directed petitioner to pay sum of 1,482/- to the respondent towards the difference of wages and also consider the respondent's service as continuity of service from 31.3.2010.

4 In the present proceedings, respondent was working with the petitioner as watchman since

1.4.1986. In between he was removed from the service without following due process of law on 1.10.1989. Therefore, respondent filed complaint with Asst.Labour Commissioner. For want of settlement, Reference (IDA) No.33 of 1994 was made. In that Reference, court by order dated 20.11.2004 directed petitioner to reinstate the respondent and pay full wages from 1.8.1999 to 1.4.2000. Petitioner challenged the said order by preferring Writ Petition No.8707 of 2006 before the High Court. High Court by order dated 15.6.2007 dismissed the petitioner's petition. In spite of the dismissal of the Writ Petition, as the petitioner failed and neglected to comply the order dated 20.11.2004, respondent preferred complaint in (ULP) No.33 of 2005. In that complaint, impugned order was passed by the Industrial Court.

5 The learned 'B' Panel Counsel for the petitioner submits that the Industrial Court erred in coming to the conclusion that the respondent is entitled sum of Rs.1,482/- being the difference between the amount paid by them and the respondent is entitled. She submits that the Industrial Court, Sangli has committed error in granting permanency to the respondent especially when the Labour Court, Sangli by order dated 20.11.2004 in Reference (IDA) 33 of 1984 has refused to grant him back wages from the date of his employment.

6 On the basis of these facts, the learned 'B' Panel Counsel for the petitioner submits that this Hon'ble Court be pleased to set aside the impugned order dated 31.1.2013 passed by Industrial Court, Sangli. She submits that if said order is not set aside, irreparable loss will be caused to the petitioner.

7 I have heard the learned 'B' Panel Counsel for the petitioner at length.

8 It is to be noted that though impugned order was passed on 31.1.2013, State of Maharashtra preferred present Writ Petition in this court on 7.5.2014. There is no explanation for such long period of delay and laches on the part of petitioner in preferring the Writ Petition. It is to be noted that the petitioner failed to comply the order dated 20.11.2004 passed by Labour Court, Sangli in Reference (IDA) No.33 of 1994 which was confirmed by this court in Writ Petition No.8707 of 2006. Considering these facts, I do not find any substance in the present Writ Petition.

9 Writ Petition stands rejected.

JUDGE