

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.7192 OF 2016

Gram Panchayat, Khindwadi and anr. : Petitioners.
versus
Bhagwan Laxman Mane : Respondent.

Mr. Uday P Warunjikar for the Petitioners.

CORAM : R. M. SAVANT, J.
DATE : 24th August 2016

P.C.

1 The writ jurisdiction of this Court is invoked against the order dated 30/09/2014 passed by the learned Presiding Officer, Labour Court, Satara by which order the Reference in question being Reference (IDA) No.06/2011 came to be answered in the affirmative and resultantly the termination order dated 25/01/2011 came to be set aside and the Respondent herein was directed to be reinstated with continuity of service and full back wages.

2 The services of the Respondent herein came to be terminated on the ground of absenteeism, however, the said termination was effected without holding any inquiry but pursuant to 5 notices which were issued to the Respondent. The said termination order resulted in the Respondent raising an industrial dispute which was referred to the Labour Court, Satara for adjudication. Significantly on behalf of the Petitioner Gram Panchayat no

written statement was filed. The Respondent led evidence in assertion of his case in the complaint viz. he had worked for more than 240 days in a calender year and his services were terminated without following any procedure. The said evidence led by the Respondent was not controverted on behalf of the Petitioner Gram Panchayat.

3 The learned Presiding Officer on the basis of the evidence arrived at a conclusion that the termination of the Respondent has been effected without following any procedure in respect of the same. The learned Presiding Officer held that the said termination was also in violation of Section 25-F of the Industrial Disputes Act. The learned Presiding Officer has deemed it appropriate to grant full back wages in the facts and circumstances of the case as there was no material placed on record on behalf of the Petitioner Gram Panchayat that the Respondent was gainfully employed in the interregnum.

4 The learned counsel appearing on behalf of the Petitioner Gram Panchayat would contend that the written statement could not be filed as at the relevant time an Administrator was appointed on the Petitioner Gram Panchayat. It was further the submission of the learned counsel for the Petitioner that on account of the bifurcation of the Gram Panchayat as originally existing there is now no work that can be given to the Respondent.

5 In my view, it is not possible to accept the said contentions of the learned counsel for the Petitioner. In so far as the Petitioner Gram Panchayat is concerned, it was represented by an Advocate and therefore could have taken steps to file the written statement. The record discloses that no such attempt was made. Merely because the Administrator was appointed on the Gram Panchayat, the same would not mean that the administration of the Gram Panchayat had come to a stand-still.

6 In so far as the 2nd submission of the learned counsel for the Petitioner is concerned, the same cannot be accepted in the teeth of the fact that there is an adjudication in favour of the Respondent whereby he has been directed to be reinstated with back wages. Considering the facts as afore-stated, the interference of this Court in its writ jurisdiction is not warranted. The above Writ Petition is accordingly dismissed.

[R.M.SAVANT, J]