

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.3935/2014

Maharashtra Jeevan Pradhikaran, through its Chief Engineer and another
 ..Versus..

Smt. Nalini Dadakant Gaikwad and another

 Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

CORAM : Z.A. HAQ, J.

DATE : 15.1.2016

Heard Shri D.M. Kakani, advocate for the petitioners, Shri M.P. Jaiswal, advocate for respondent no.1 and Shri B.M. Lonare, A.G.P. for respondent no.2.

RULE.

Considering the findings recorded by the Labour Court in paragraph no.22 of the order and the findings recorded by the Industrial Court concurring with the findings recorded by the Labour Court, *prima facie*, I am of the view that the directions given by the subordinate Courts to reinstate the respondent no.1 - employee are not required to be stayed. However, the directions given by the subordinate Courts for payment of 50% back wages are stayed on condition that the petitioners shall reinstate the respondent no.1 - employee forthwith. If the respondent no.1 - employee is not reinstated as per this order the interim order granted regarding payment of back wages shall stand vacated and the respondent

no.1 - employee will be at liberty to proceed with the execution or file appropriate proceedings in the matter.

Shri M.P. Jaiswal, advocate waives notice for respondent no.1.

Shri B.M. Lonare, A.G.P. waives notice for respondent no.2.

C.A.W. NO.734/2015.

The true translation of documents mentioned in the application is dispensed with on condition that the petitioners shall file the same as and when required by the Court.

JUDGE

Tambaskar.