

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

WRIT PETITION NO. 5405 OF 2006

(THE EXECUTIVE ENGINEER, PWD, WARDHA...VS..M.D.SIDAM.)

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.

DATED : JUNE 30, 2016.

Heard Shri A.D. Sonak, A.G.P. for the petitioner-employer and Shri S.A. Kalbande, advocate for the respondent-employee.

The employer has challenged the award passed by the Labour Court answering the reference in favour of the employee and directing the employer to reinstate the employee with continuity of service. The Labour Court rejected the claim of the employee for back wages. While issuing Rule, by order dated 12th January, 2007, this Court has refused the interim order. It is admitted fact that the employee was reinstated pursuant to the impugned order and has continued in the employment till he attained the age of superannuation on 30th April, 2015.

In addition to the subsequent event i.e. continuation of the employee in the employment till he attained the age of superannuation, I find that the findings recorded by the Labour Court are based on proper appreciation of evidence on record. I am not inclined to interfere with the impugned award.

The petition is **dismissed**. In the circumstances, the parties to bear their own costs.

The learned A.G.P. has submitted that the employee attained the age of superannuation on 30th April, 2015, however, his wages for the month of May and June, 2015 are also deposited.

It is clarified that this amount shall be given to the employee and the petitioner-employer will be entitled to seek its adjustment while settling the account of the employee.

CAW NO. 1329/2016.

The explanation given by the petitioner for the delay in making available the amount payable to the employee as per the order is not acceptable. The application is rejected. However, the notice issued to the petitioner for contempt of Court is discharged.

JUDGE

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