

IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD

WRIT PETITION NO. 2636 OF 1992

M/s Kinetic Engineering Ltd.  
Daund Road, Ahmednagar.

..Petitioner

Versus

1. Ratankar Baburao Tidke  
r/o Wambori, Tq. Rahuri  
District Ahmednagar.

2. The Honourable Member  
Industrial Court, Savedi Road,  
Ahmednagar.

..Respondents

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Advocate for Petitioner : Shri V.S.Bedre  
Advocate for Respondent 1 : Shri V.N.Upadhye

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CORAM : RAVINDRA V. GHUGE, J.  
Dated: January 19, 2017

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ORAL JUDGMENT :-

1. Respondent No.2 being the Industrial Court, stands deleted from the proceedings.

2. The petitioner is aggrieved by the judgment of the Industrial Court dated 22.9.1992, by which, though the Industrial Court concluded that the complaint was not maintainable under item 6 of Schedule IV of Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971 ("the Act of 1971"), it has granted relief to the respondent under item 9 of Schedule IV.

3. Shri Bedre, learned Advocate for the petitioner submits that the respondent was recruited as a Job Trainee by order dated 1.1.1983. He claimed to have been appointed as a Semi Skilled worker by order dated 23.1.1984 and again by order dated 30.10.1986, for a period of about 5/6 months respectively. He was then appointed as a Helper in the Special Engineering Assembly between 23.3.1989 to 27.10.1989. Thereafter, he is out of employment. He has preferred Complaint (ULP) No.202 of 1989 on 15.6.1989.

4. I have considered the submissions of the petitioner and have gone through the petition paper book. Shri Upadhye, learned Advocate appears for respondent No.1.

5. This Court admitted the petition on 21.10.1992. By order dated 25.6.1993 below Civil Application No.5337 of 1992 filed by the respondent / workman, the impugned judgment was stayed on the condition that if the petitioner desires to engage a new employee in the same cadre, the respondent will have to be offered the said work and no new appointment would be made.

6. By order dated 12.2.2002 on Civil Application No.1861 of 2000 filed by the respondent / workman, this Court denied him the benefit of Section 17B of the Industrial Disputes Act, 1947 on the ground that

the said provision would not apply to a proceedings under the Act of 1971.

7. It is, therefore, apparent that for the last about 22 years, the respondent is not in employment. He had initially worked for 1 year till 1.1.1983 as a Job Trainee, followed by 5 months engagement as an unskilled worker from February to June 1984, again for a period of six months from October, 1986 to April 1987 and then for a period of seven months from March 1989 till October 1989. Thus, he has worked for about 30 months.

8. In similar set of facts, concerning the same petitioner / Industry and similarly situated workmen, this Court has delivered it's judgment dated 5.1.2017 in Writ Petition No. 4215 of 1997 and 4117 of 2004, thereby, granting compensation to the employees. In similar set of facts involving the same petitioner herein in Writ Petition Nos. 669 of 1997 and 2162 of 1997, I have granted compensation at the rate of Rs.40,000/- per year of service.

9. Considering the above, I find that a similar compensation could be granted to the respondent as like in the earlier cases.

10. This petition is, therefore, partly allowed. The impugned judgment dated 22.9.1992 is modified and the direction of granting

permanency from the date of filing of the complaint is replaced by the direction to the petitioner to pay an amount of Rs.1,00,000/- to the respondent / workman within the period of eight weeks from today, failing which it shall pay interest at the rate of 6% per annum from September, 1992.

11. Rule is made partly absolute in the above terms.

( RAVINDRA V. GHUGE, J. )

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