

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.5365 OF 2002

MANJARA SHETKARI SAHAKARI SAKHAR KARKHANA LTD.
-VERSUS-
DNYANOBA EKNATH BHUTE.

...
Shri V.D.Hon, Senior Advocate a/w Shri A.V.Hon, Advocate for the
Petitioner.
Shri C.R.Deshpande, Advocate for Respondent No.1.
...

CORAM: RAVINDRA V. GHUGE, J.

DATE :- 21st November, 2017

Per Court :

1 The Petitioner is aggrieved by the judgment and order dated
14.09.2001 delivered by the Labour Court in Application (IDA)
No.61/1997 filed by the Respondent herein claiming salary for the period
01.10.1996 to 28.07.1997. The same has been granted.

2 I have considered the submissions Shri Hon, learned Senior
Advocate on behalf of the Petitioner and Shri Deshpande, learned
Advocate for the Respondent.

3 I have gone through the petition paper book and the record
available in the light of the submissions of the learned Advocates.

4 The issue raised for consideration of this Court is quite short.
There is no dispute that the Respondent was placed under suspension on
17.10.1996 and was subjected to the departmental proceedings. It is

stated by the Petitioner, on the basis of the record, that the wages from 01.10.1996 to 16.10.1996 were not paid and the Respondent was suspended from 17.10.1996. Eventually, as the Petitioner did not find that the charges levelled upon the Respondent are proved, he was exonerated and was, therefore, permitted to resume his duties on regular basis from 29.07.1997.

5 It requires no debate that when an employee placed under suspension pending the disciplinary proceedings, is found guilty of the charges levelled upon him, the period of suspension would be considered to be as such and that would merge in the final order of punishment. However, if the delinquent is exonerated and no punishment is awarded since no charge is proved, the suspension period will have to be termed as a period of service on duty.

6 Considering the above, the impugned judgment of the Labour Court granting unpaid wages for the said period under Section 33-C(2) of the Industrial Disputes Act, 1947 cannot be termed as being perverse or erroneous.

7 This Writ Petition being devoid of merit is, therefore, dismissed. Rule is discharged.