

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 4152 OF 2000

Kaluram Mangalchand Adchitre,
Age 48 years, Occ. Nil
R/o Opp. Slaughter House
Ramnagar, Jalna.

..Petitioner

Versus

Municipal Council, Jalna
Through its Chief Officer
Jalna.

..Respondent

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Advocate for Petitioner : Shri Pradeep Shahane

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CORAM : RAVINDRA V. GHUGE, J.
Dated: May 12, 2017

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ORAL JUDGMENT:-

1. None appeared for the respondent on 9.5.2017 and today.
2. The petitioner has challenged the judgment of the Labour Court dated 7.8.1995, by which his Complaint (ULP) No.37 of 1988 was partly allowed by granting backwages for the period 2.8.1980 to 20.8.1988. He was denied reinstatement in service and continuity.
3. The petitioner is also aggrieved by the judgment of the Industrial Court dated 30.7.1999, by which, his Revision (ULP) No.44 of 1996 was dismissed and by allowing Revision (ULP) No. 80 of 1995 filed by the respondent, backwages were granted for the period

2.2.1981 till 20.8.1988.

4. I have considered the strenuous submissions of Shri Shahane, who has submitted that both the impugned judgments are perverse and erroneous. The petitioner could not have been denied reinstatement and continuity in service.

5. It appears that the respondent / Corporation has not challenged the judgment of the industrial Court by which, the petitioner is granted backwages for the period 2.2.1981 till 20.8.1988.

6. It is not in dispute that the petitioner had worked on daily wages as a Watchman with the respondent from 4.3.1978. He was arrested by the Police on 2.8.1980 on the charge of having committed an offence under Section 307 of the Indian Penal Code. He was convicted by the trial Court and he preferred an appeal before this Court which was partly allowed and he was sentenced to pay fine of Rs.500/-, after being acquitted of the charge under Section 307 of the Indian Penal Code and upon being convicted of the charge under Section 324 of the Indian Penal Code.

7. There is no dispute that the petitioner is out of employment from 2.8.1980 for a period of about 37 years He was about 30 years

old in 1988 and would be about 60 years old today.

8. Considering the concurrent judgments of the Labour Court and the Industrial Courts depriving the petitioner of reinstatement and continuity in service and keeping in view his conviction, I do not find that this petition needs to be entertained only because a second view or a different view could be taken.

9. In the light of the above, this petition is dismissed. Rule is discharged.

(RAVINDRA V. GHUGE, J.)

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