

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

WRIT PETITION NO.2698 OF 1998

The Chief Officer,
Municipal Council, Latur,
Tq. & Dist. Latur.

...PETITIONER

VERSUS

Sou.Asha w/o Venkatrao Deshmukh,
Age 32 years, Occu. Service,
R/o Naik Bunglow, Vivekanandapuram,
Latur, Tq. & Dist. Latur.

...RESPONDENT

...
Mr. A.P.Deshmukh, Adv., h/f Mr. V.D.Hon, Adv. for the
petitioner.
Mr.C.R.Deshpande, Adv., for respondent / caveator.

...

CORAM: P.R.BORA, J.

DATE : May 2nd, 2017

ORAL JUDGMENT:

1. When the present matter is taken up for hearing, learned counsel for the petitioner has tendered across the Bar order dated 3rd of September, 2014, issued by the petitioner Municipal Corporation in respect of giving benefit of continuity in service to respondent herein.

Learned counsel for the petitioner has also placed on record copy of application submitted by the present respondent to the petitioner.

2. Learned Counsel for the petitioner submits that in view of the communication received from the respondent, waiving the right of claiming back-wages and only insisting for continuity in service, order dated 3rd September, 2014, has been passed. Learned counsel submits that even otherwise, this Court had granted interim stay so far as backwages is concerned. Learned Counsel submits that barring the order of backwages, the other order has been complied with.

3. In view of the fact that the respondent has been reinstated in service and benefit of continuity has also been given to her and further considering the fact that the respondent has waived her right for backwages, the present petition can be disposed of by modifying the order of the Industrial Court impugned in the present petition.

4. Learned Counsel appearing for respondent submits that he has no instructions since last couple of

years from the respondent employee. However, learned Counsel further submitted that for want of instructions, he is also not in a position to deny or dispute the submission made on behalf of the petitioner that the respondent has waived her right to claim backwages. I also see no reason to disbelieve the document placed on record and the submission made by the learned Counsel appearing for the petitioner. In view of the fact that the petitioner has been reinstated with continuity of service, the order passed by the Industrial Court has been substantially complied with. Further, in view of the fact that the respondent has waived her right to claim backwages, I am inclined to dispose of the present petition with the following order:

ORDER

1. The order passed by the Industrial Court impugned in the present petition, so far as it relates to backwages, stands quashed and set aside. The writ petition, thus, stands partly allowed. Rule made absolute in above terms.

(P.R.BORA)
JUDGE