

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

WRIT PETITION NO. 4259 OF 1997

The State of Maharashtra.
Through Plantation Officer,
Social Forestry, Parola,
District Jalgaon.

...PETITIONER

-VERSUS-

1 Manohar Tulshiram Sonar,
C/o PY Kadam,
Trade Union Centre,
Amalner, District Jalgaon.

2 The Presiding Officer,
Labour Court, Jalgaon.

...RESPONDENTS

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AGP for Petitioner : Shri N.T.Bhagat.

Advocate for Respondent : Shri S.S.Shete h/f Shri R.M.Deshmukh.

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 05th January, 2017

Oral Judgment :

1 Respondent No.2 being a formal party, stands deleted.

2 The Petitioner is aggrieved by the award dated 09.01.1997 by which the Labour Court, Jalgaon has partly allowed Reference (IDA)

No.12/1994. The termination of the Respondent dated 16.10.1992 has been set aside and is granted reinstatement with continuity and 25% back wages from 01.11.1993.

3 By order dated 19.11.1999 passed in Civil Application No.3864/1999, this Court recorded the statement of the learned AGP that pursuant to the order dated 20.08.1999, the Respondent has been reinstated in service. This statement was confirmed by the learned Advocate for the Respondent, on instructions. This Court, therefore, modified the interim relief and granted interim relief only to the extent of 25% back wages.

4 Though the learned AGP has strenuously criticized the impugned award, I do not deem it appropriate to cause any interference to the extent of the direction reinstating the Respondent in service, keeping in view that he has already been reinstated in service and the said statement of the learned AGP has been recorded while passing the order dated 19.11.1999.

5 The issue, therefore, is only to the extent of back wages granted by the Labour Court which are 25% of his last drawn daily wages from 01.11.1993 till the date of award which is 09.01.1997.

6 By order dated 09.10.1997, this Court had stayed the award. An application for seeking benefits under Section 17-B of the Industrial Disputes Act, 1947 was not filed. Last drawn wages of the Respondent/ Employee are said to be Rs.750/- per month. 25% of the said amount has been granted by the Labour Court from 01.11.1993 till 09.01.1997. Considering the same and since the said amount is a paltry amount, I do not deem it proper to cause any interference in the impugned award.

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

kps

(RAVINDRA V. GHUGE, J.)