

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 5950 OF 1999

Zilla Parishad, Beed,
Through its Chief
Executive Officer,
Zilla Parishad, Beed.

..Petitioner

Versus

1. Baban Asaraji Pokale
Age major, C/o Trade
Union Centre, Bashirganj,
Beed.

2. The State of Maharashtra

..Respondents

WITH
WRIT PETITION NO. 6144 OF 1999

Zilla Parishad, Beed,
Through its Chief
Executive Officer,
Zilla Parishad, Beed.

..Petitioner

Versus

1. Kashinath Yeshwanta Popale,
Age major, C/o Trade
Union Centre, Bashirganj,
Beed.

2. The State of Maharashtra

..Respondents

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Advocate for Petitioner : None present.
AGP for Respondent 2 : Shri N.T.Bhagat
Advocate for Respondent 1 : 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 petitioner on 8.5.2017, 9.5.2017 and even today.
2. The petitioner / Zilla Parishad in both these identical petitions has challenged the award dated 18.9.1996 in Reference (IDA) No. 135 of 1990 and award dated 11.12.1997 in Reference (IDA) No.117 of 1992, by which, the respondents were granted reinstatement with continuity and full backwages.
3. I have considered the submissions of Shri Shahane, who has strenuously supported the impugned award. I have gone through the grounds raised by the petitioner in the memo of the petition.
4. Shri Shahane submits that during the pendency of these petitions and in the light of the interim relief granted by this Court to the petitioner, by staying the backwages and continuity of service, the petitioner has absorbed the respondents on Converted Regular Temporary Establishment (CRTE) after reinstating them and they have continued in employment.
5. Shri Shahane supports his statement on the basis of the Government Resolution dated 28.2.2006, issued by the State Government in relation to the petitioner / Zilla Parishad, wherein

the names of these respondents are mentioned. Copy of the said Government Resolution along with the annexures is taken on record and marked Exhibit "X" collectively.

6. There is no dispute that these respondents were working on daily wages and according to the statement of the learned counsel for the respondents, have been given benefits of the Kalelkar Settlement. In my view, they cannot be paid full backwages by applying the principle of "No work no wages". As such, I find that these petitions deserve to be allowed to the extent of setting aside the direction to pay backwages. Considering the subsequent events during the pendency of this petitions, continuity of service without backwages can be granted.

7. As such, both these petitions are partly allowed. The direction of the Labour Court in both the impugned awards granting full backwages is quashed and set aside. The direction granting continuity of service with reinstatement is sustained in the light of the subsequent events.

8. Rule is made partly absolutely in both these petitions

(RAVINDRA V. GHUGE, J.)

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