

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

WRIT PETITION NO.5151 OF 2012

Sanjay S/o Panditrao Mule
and others. ... Petitioners.

Versus

Executive Director,
Godavari Marathwada
Irrigation and others. ... Respondents.

...

Mr.Sachin S.Deshmukh, advocate for the
petitioners.
Mr.A.P.Basarkar, A.G.P. for the State.
Mr.Suresh D.Dhongade, advocate for Respondent
Nos.2 to 4.

...

CORAM : S.V.GANGAPURWALA, J.

Date : 20.04.2017.

PER COURT :

1. Heard.

2. The petitioner No.1 was working as Mukadam. The petitioner No.2 was appointed as Labour and petitioner Nos.3 and 4 were appointed as Mistry in the year 1978. In the year 1984/85

the petitioners were retrenched. The petitioners filed Writ Petition in the year 1985. Subsequently, they were directed to approach the Labour Court. The petitioners filed ULP. The same was allowed, thereby granting the relief of reinstatement with continuity and back wages. The Respondents preferred Revision before the Industrial Court. The said Revision is allowed and the complaint (ULP) filed by the petitioners is dismissed. The said judgment is assailed in the present Writ Petition.

3. During pendency of the present Writ Petition, the Respondents decided to pay compensation to the petitioners of Rs.2,00,000/- (Rupees two lacs) each.

4. Mr.Deshmukh, learned counsel for the petitioners submits that the petitioners be paid amount of Rs.4,00,000/- (Rupees four lacs) each as compensation in lieu of reinstatement, considering the period of service rendered by them. The learned counsel relies on the judgment of the Apex Court in the case of **"Rashtriya**

Colliery Mazdoor Sangh, Dhanbad Vs. Employers in relation to Management of Kenduadih Colliery of Bharat Coking Coal Limited and others" reported in **(2017) 1 Supreme Court Cases 264**, so also the judgment in the case of **"Sardarilal Vs. Chairman, Mehar Chand Polytechnic and others"** reported in **2013 (6) Mh.L.J.918**.

5. Mr.Dhongade, learned counsel submits that the decision has been taken by the Respondents to award compensation of Rs.2,00,000/- (Rupees two lacs) to each of the petitioners and the same is in tune with the judgment of the Apex Court in the case of **"Bharat Sanchar Nigam Limited Vs. Man Singh"** reported in **(2012) 1 Supreme Court Cases 558**.

6. I need not dilate upon the validity of the judgment of the Industrial Court, so also about the applicability of the provisions of Section 25-F of the Industrial Disputes Act and/or Section 25-FFF of the said Act, as compensation is agreed to be paid by the Respondents. The petitioners also seek higher

amount of compensation than Rs.2,00,000/- (Rupees two lacs).

7. The petitioners had worked from 1978 to 1984-85. The petitioners no doubt were unskilled labours. In case of **"Rashtriya Colliery Mazdoor Sangh Dhanbad Vs. Employers in Relation to Management of Kenduadih Colliery of Bharat Coking Coal Limited and others"** referred to supra, the Apex Court has observed that in the said case the workmen belonged to skilled category and awarded Rs.4,00,000/- (Rupees four lacs). The Apex Court relied its earlier judgment, wherein Rs.2,00,000/- (Rupees two lacs) were given to unskilled workmen. In the case of **"Bharat Sanchar Nigam Limited Vs. Man Singh"**, the Apex Court has awarded compensation of Rs.2,00,000/- (Rupees two lacs) to each workman in full and final settlement of their claim.

8. In the present case, the Respondents have deposited amount of Rs.2,00,000/- (Rupees two lacs) for each of the petitioners. The said amount has been withdrawn by the petitioners.

9. Considering the fact that the petitioners have worked for more than six (6) years with the Respondents, I deem it appropriate to direct the Respondents to pay amount of Rs.3,00,000/- (Rupees three lacs) to each petitioner towards full and final payment of their claim. The amount of Rs.2,00,000/- (Rupees two lacs) already paid shall be adjusted in the said payment. The Respondents now would be liable to pay Rs.1,00,000/- (Rupees one lac) to each of the petitioners. The same shall be paid within a period of three (3) months to the petitioners directly.

10. The petitioner No.3 is dead. The amount of payment to be made to petitioner No.3 shall be paid to his L.Rs. The learned counsel for the petitioners shall immediately bring the L.Rs. of petitioner No.3 on record.

11. The Writ Petition is accordingly partly allowed. No costs.

(S.V.GANGAPURWALA, J.)

asp/office/wp5151.12

