

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 11404 OF 2017

THE STATE OF MAHARASHTRA AND OTHERS
VERSUS
DATTATRAYA GOPINATH SURYAWANSHI

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AGP for Petitioners : Shri Bhagat N.T.

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CORAM : RAVINDRA V. GHUGE, J.

Dated: September 19, 2017

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PER COURT :-

1. The petitioner / State is aggrieved by the interim order dated 30.4.2016, passed by the Industrial Court, Ahmednagar in Complaint (ULP) No.105 of 2015. The Industrial Court has directed the petitioner / Forest Department to allow the complainant to work as usual and pay him the wages as per the award of the Labour Court.

2. The learned AGP has strenuously criticized the impugned order and has drawn my attention to the nine grounds formulated by him. It is submitted that the respondent was working on EGS and he cannot be allowed to work on the regular scheme of the Government.

3. It appears from the impugned order that the respondent / complainant had approached the Labour Court pursuant to his termination. The petitioner contends that the respondent had not

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worked from 1.7.1988 to 1.4.2002. I find that the Labour Court had delivered an award on 9.8.2012 in Reference IDA No.22 of 2007, by which, he was granted reinstatement in service without backwages. It is not disputed that the petitioner had preferred a Writ Petition against the award and the Writ Petition was dismissed after confirming the award. The respondent approached the Industrial Court in the present complaint seeking implementation of the award. The petitioner insisted that the respondent should work on EGS.

4. Considering the fact that the award of the Labour Court dated 9.8.2012 was confirmed by this Court, the petitioner is duty bound to implement the said award. The impugned order passed on the basis of the said award, prima facie, cannot be faulted with.

5. This petition being devoid of merits is, therefore, dismissed.

(RAVINDRA V. GHUGE, J.)

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