

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

**BENCH AT AURANGABAD.**

**LETTERS PATENT APPEAL NO.9 OF 2014  
IN  
WRIT PETITION NO.3558 OF 1996**

The State of Maharashtra  
through Pramukh Krishi  
Adhikari Prashikshan Shet  
Yojna, Nanded.

... Appellant.  
(Orig.Petitioner)

Versus

1. Sahebrao Tukaram Pawde,  
C/o Trade Union Centre,  
Mahavirnagar, Nanded.

2. The Ld. Presiding  
Officer, Labour Court,  
Jalna.

... Respondents.

...  
Mr.P.S.Patil, Additional Govrnment Pleader for  
the Appellant.  
Mr.C.K.Shinde, advocate for the Respondent No.1.

...

**CORAM : S.V.GANGAPURWALA AND  
S.M.GAVHANE, JJ.**

**Date : 05.12.2017.**

**PER COURT :**

1. The present Letters Patent Appeal is

filed against the judgment and order passed by the learned Single Judge of this Court, thereby modifying the order passed by the Labour Court, Jalna. In fact the order passed by the learned Single Judge, partly allows the Writ Petition filed by the State.

2. We have heard learned Additional Government Pleader and Mr.Shinde, learned counsel for the Respondent.

3. The learned Judge, Labour Court, Jalna had passed the order in favour of the present Respondent, setting aside the oral termination of the present Respondent and directing the present appellant to reinstate the present Respondent in service on the post of Driver with continuity and subject to availability of the work of the post of Driver on daily wages and also granted 75% back wages.

4. The learned Single Judge of this Court under the impugned judgment modified the said order and directed the present appellant to pay

50% back wages to the Respondent No.1 from 5.9.1988 on the daily wage basis as and when the work is available from the said date. The other relief granted was set aside. We do not find any error in the said order. The aspect of non-compliance of Section 25-F of the Industrial Disputes Act, 1947 was considered by the learned Judge, Labour Court and the learned Single Judge of this Court in its proper perspective.

5. In light of the above, the Letters Patent Appeal is dismissed. No costs.

**(S.M.GAVHANE, J.)**

**(S.V.GANGAPURWALA, J.)**

