

UNREPORTED**IN THE HIGH COURT OF JUDICATURE
AT BOMBAY****BENCH AT AURANGABAD.****WRIT PETITION NO.4336 OF 2013**

Pravin Dnyandev Kangane,
Age 48 years, Occ.Labour,
R/o Takli Kathewalit,
Taluka Shrigonda,
District Ahmednagar. ... Petitioner.

Versus

1. Executive Engineer,
Minor Irrigation Department
No.1, Nagar-Aurangabad Road,
Ahmednagar.

2. Executive Engineer, Kukdi
Irrigation Department No.2,
At Post Shrigonda,
District Ahmednagar. ... Respondents.

...
Mr.P.V.Barde, advocate for the petitioner
Mr.A.D.Namde, A.G.P. for the State.
...

CORAM : S.V.GANGAPURWALA J.

Date : 28.08.2017.

ORAL JUDGMENT

1. Rule. Rule returnable forthwith. With

the consent of the learned counsel for the parties, the petition is taken up for final hearing.

2. Mr.Barde, learned counsel submits that the reference made to the Labour Court is decided against the petitioner under Award dated 14.8.2012. According to the learned counsel, the petitioner worked with the Respondent from 1984 to 1986. The Respondents did not follow the proper procedure and the order of retrenchment is in violation of Section 25-G and 25-F of the Industrial Disputes Act. The learned counsel submits that it was an error on the part of the Labour Court to conclude that petitioner has not worked for 240 days in a calendar year. Even that is not necessary to be proved in case of violation of Section 25-G of the Industrial Disputes Act. The learned counsel submits that in the similarly situated petitioners, this Court has occasion to consider the said aspect in **Writ Petition No.1414/2013 with connected Writ Petitions decided on 10.4.2013.** This Court granted Rs.40,000/- (Rupees forty thousand) as

retrenchment compensation. The petitioners therein approached the Apex Court and the Apex Court enhanced the said retrenchment compensation to Rs.1,00,000/- (Rupees one lac).

3. Learned A.G.P. submits that there is an inordinate delay on the part of the petitioner. The petitioner claims to have been terminated in the year 1986. The notice was issued only in the year 2002. The claim after such a long delay can not be entertained. Moreover, it has been rightly observed by the Labour Court that the petitioner has not worked for 240 days and as such is not entitled for any relief.

4. I have considered the submissions. The relief of reinstatement certainly can not be considered at this stage. This Court had an occasion to consider the cases of employees similarly situated of the same Respondents herein and the Court found that there is violation of Section 25-F of the Industrial Disputes Act and the petitioners therein are entitled for

retrenchment compensation. This Court considered the judgment of the Apex Court in the case of **"Hajinder Singh Vs. Punjab State Warehousing Corporation"** reported in **AIR 2010 Supreme Court 1116**. Retrenchment compensation of Rs.40,000/- (Rupees forty thousand) was awarded. The Apex Court enhanced the said retrenchment compensation to Rs.1,00,000/- (Rupees one lac).

5. In view of that, I follow the same course.

6. The Respondents shall pay Rs.1,00,000/- (Rupees one lac) to the petitioner as retrenchment compensation.

7. Rule accordingly made absolute in above terms. No costs.

Sd/-

(S.V.GANGAPURWALA, J.)

