

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.3564/2016

Range Forest Officer, Morshi and others

..Vs..

Ramkrushna Sadashivrao Gulhane

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

CORAM : Z.A.HAQ, J.

DATE : 7.2.2017.

The petitioners / employer have challenged the award passed by the Labour Court answering the reference in favour of the respondent / employee and directing the employer to reinstate the employee with continuity of service. The Labour Court has rejected the claim of the employee for back-wages.

The Labour Court has summarized its conclusions in paragraph No.15 of the impugned award as follows:

“15. After going through the said authority, it is clear that when the termination of a daily wage worker is without following the due procedure of law, he is not entitled for reinstatement, but instead he is entitled for compensation. It is also observed in the authority cited supra that if the junior employees are regularized in service, in that case such employee is entitled for reinstatement. In the instant case, I have already held that the party no.1 have not followed the provisions of section 25-G of the I.D. Act. On the other hand, party no.2 has

proved by leading cogent evidence that juniors are retained in service and further new persons are also appointed after his termination. Therefore, the authority cited supra is helpful for the party no.2. In such situation, considering the authority cited supra, the party no.2 is entitled for reinstatement and continuity of service.”

With the assistance of the learned A.G.P. I have examined the documents placed on record of the writ petition. The petitioners have not been able to point out any infirmity or perversity in the findings recorded by the Labour Court. I do not see any reason to interfere with the impugned award. The petition is dismissed. No costs.

JUDGE

Tambaskar.