

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 2056 OF 2004

The Divisional Controller,
Maharashtra State Road Transport
Corporation [MSRTC],
Division-Osmanabad,
Osmanabad. ...Petitioner.

Versus

Dattatray Panditrao Joshi,
Age-Major, Occu-
R/o. C/o. Shri. Shamrao Nunglikar,
Mahaganwa, At Post-Umerga,
District-Osmanabad. ...Respondent.

Advocate for Petitioner : Mr. A.B. Dhongade.
Advocate for Respondent : Ms. M.A. Kulkarni.

CORAM : RAVINDRA V. GHUGE, J.
Dated : 20th March, 2018

ORAL JUDGMENT :

1. The petitioner/Corporation is aggrieved by the judgment and award dated 18/07/2003, by which the Labour Court, has allowed Reference (IDA) No. 10/1987 and has granted back wages to the respondent/workman from 24/07/1985, till the date of his retirement 20/02/1998.

2. While admitting this petition, this Court ordered on 31/03/2004, that the petitioner would deposit the

entire back wages in this Court. Subsequently, the respondent is permitted to withdraw 50% of the back wages in view of the direction of this Court dated 19/10/2005, in Civil Application No. 558/2005.

3. I have considered the strenuous submissions of the learned counsel for the petitioner/Corporation who has criticized the impugned award. He submits that the respondent/workmen had admitted in his evidence that he used to perform the work of Pujari (Hindu Priest) and was performed some ancestral Pooja in his village in order to support the family as he was unemployed.

4. The said reference case was in fact decided earlier by the Labour Court by judgment dated 06/04/1998, by which, the respondent was granted reinstatement with continuity and back wages. It is informed that this Court has set aside the said judgment and remanded the reference, after which, the Labour Court has passed the impugned order keeping in view that the respondent had retired by that time.

5. Considering the directions of this Court dated 04/03/2002 in Writ Petition No. 4483/1998, the Labour

Court has only granted the wages to the respondent from the date of his termination till the date of his retirement.

6. Having considered the submissions of the learned advocates and having gone through the impugned award, I do not find that the said award could be termed as being perverse or erroneous. As such, this petition being devoid of merit, is therefore, dismissed. Rule is discharged.

7. The respondent is at liberty to withdraw the remaining amount lying in this Court along with accrued interest and without conditions, by tendering an application for withdrawal duly identified by the learned advocate along with a copy of the Election Commission Voter ID card.

(RAVINDRA V. GHUGE, J.)

S.P.C.