

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 1360 OF 2004

Beed Zilla Municipal Kamgar Union,
Through it's General Secretary,
Shri. Pandurang Vithoba Kale,
Age. 68 years, Occ. Social Work,
R/o. C/o. Trade Union Centre,
Bashirganj, Beed. ...Petitioner.

Versus

Municipal Council, Beed,
Through it's Chief Officer,
District – Beed. ...Respondent.

Advocate for the Petitioner : Mr. P.L. Shahane.

CORAM : RAVINDRA V. GHUGE, J.
DATED : 03rd March, 2018

ORAL JUDGMENT :

1. I have heard the strenuous submissions of the learned counsel for the petitioner/Union, who has severely criticized the judgment of the Labour Court dated 11/05/2001, to the extent of denial of back wages, as well as, the judgment of the Industrial Court dated 13/02/2002, by which, Revision (ULP) No. 89/2001, filed by the petitioner, was dismissed.

2. This Court while admitting the petition on 13/08/2004, did not grant interim relief to the petitioner.

3. Writ Petition No. 947/2002, was filed by the respondent herein/Municipal Council, Beed for challenging the same judgment of the Labour Court dated 11/05/2001, by which, the workers mentioned in annexure 'A' to Complaint (ULP) No. 06/1990, filed by the petitioner/Union, were granted reinstatement in service with continuity. Back wages were denied. The Municipal Council filed Revision (ULP) No. 02/2002, for challenging the said judgment which was dismissed by the impugned judgment 13/02/2002, delivered by the Industrial Court, Aurangabad. This Court dismissed Writ Petition No. 947/2002. Review Application (Stamp) No. 29470/2013 in Writ Petition No. 947/2002 was also disposed of on 16/06/2014. The Municipal Council preferred LPA No. 27/2003, which was also rejected on 13/06/2004 by the LPA bench. The SLP was also filed bearing No. 10040-10041/2014 and by order dated 14/08/2014, the Hon'ble Apex Court dismissed the same.

4. As such, the impugned judgment of the Labour Court dated 11/05/2001, has been sustained as it is upto the Hon'ble Apex Court. Said judgment is assailed in this petition by the Union claiming back wages for

these workers.

5. For the reasons with regard to the litigating journey of these litigating sides recorded as above and since, there was no evidence before the Labour Court that the employees mentioned in annexure 'A' are not in employment or that they attempted to seek alternate employment, I do not find that this petition deserves to be entertained. This petition being devoid of merit, is therefore, dismissed.

(RAVINDRA V. GHUGE, J.)

S.P.C.