

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 10436 OF 2018

Vice Chancellor,
Mahatma Phule Krushi Vidyapeeth,
Rahuri, Dist. Ahmednagar. ..Petitioner

Versus

Dattu Bapu Bokare
Age major, Occ. Nil,
At post Khadambe Khurd,
Tq. Rahuri, Dist. Ahmednagar. ..Respondent

...
Advocate for Petitioner : Shri Navandar M.N.
Advocate for Respondent : Shri Barde P.V.
...

WITH
WRIT PETITION NO. 11366 OF 2018

Dattu Bapu Bokare
Age 60 years, Occ. Labour
At post Khadambe Khurd,
Tq. Rahuri, Dist. Ahmednagar. ..Petitioner

Versus

Mahatma Phule Krushi Vidyapeeth
Rahuri, Dist. Ahmednagar through
it's Registrar. ..Respondent

...
Advocate for Petitioner : Shri Barde P.V.
Advocate for Respondent : Shri Navandar M.N.
...

CORAM : RAVINDRA V. GHUGE, J.
Dated: October 16, 2018
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ORAL JUDGMENT:-

1 Heard the learned counsel for the respective parties.

2 Rule.

3 By consent, Rule is made returnable forthwith and the petitions are taken up for final hearing.

4 In both these petitions, the second party workman and the first party agricultural university are aggrieved with the quantum of compensation granted by the II Labour Court, Ahmednagar by judgment and award dated 1.3.2017. The Labour Court has granted Rs.1,25,000/- as a compensation to the workman.

5 I have heard the learned Advocates for the respective sides at length. I have considered the earlier orders passed by this Court in the petition filed by this workman, dated 9.2.2016 in Writ Petition No.4557 of 2014 and the judgment dated 30.11.2016 in the cases of three other workmen in the matter of Vice Chancellor, Mahatma Phule Krishi Vidyapeeth Vs. Dadaji and two others - Writ Petition Nos.11525, 11528 and 11529 of 2016.

6 I find from the record that Exhibit U-13 is the advertisement

published by the University. The said advertisement finds reference in the order dated 9.2.2016 in Writ Petition No.4557 of 2014 in between the same parties. It is undisputed that the said workman Dattu Bapu was granted 11 months appointment orders as a temporary workman under the emergency powers of the Vice Chancellor in between 3.5.2000 till 1.7.2006. There is no dispute that in the earlier three cases, which were decided by judgment dated 30.11.2016, there was an advertisement and the said three workers Dadaji, Sarjerao and Arun were also granted 11 months' appointment order for a period of two years only.

7 In the earlier judgment dated 30.11.2016, this Court had relied upon the judgments of the Honourable Apex Court in the following matters:-

1. Assistant Engineer, Rajasthan State Agriculture Marketing Board, Sub-Division, Kota Vs. Mohan Lal [2013 LLR 1009],
2. Assistant Engineer, Rajasthan Development Corporation and another Vs. Gitam Singh [(2013) 5 SCC 136],
3. BSNL Vs. Man Singh [(2012) 1 SCC 558] and
4. Jagbir Singh Vs. Haryana State Agriculture Marketing Board [(2009) 15 SCC 327].

8 The said three workmen were, therefore, granted quantified compensation in lieu of reinstatement in service at the rate of

Rs.50,000/- per year of service having been put in by them. It was only in the case of Arun that he was granted Rs.25,000/- more as he had about 9-10 years of service left, when he was disengaged.

9 I do not find any distinction in the facts of the cases, dealt with in judgment dated 30.11.2016 and these two petitions pertaining to Dattu. The quantum of compensation, therefore, has to be at par though Dattu is before this Court after two years of the earlier judgment of this Court dated 30.11.2016 in the cases of similarly situated people.

10 I find from the impugned award that the Labour Court has blindly referred to the observations of this Court in paragraph No.19 of the judgment dated 30.11.2016 and therefore, granted compensation of Rs.1,25,000/- to the workman at issue, namely, Dattu. The Labour Court completely lost sight of the fact that the three workmen in the earlier cases had put in two years in employment and Dattu has put in six years in employment. Compensation amounts in lieu of reinstatement in service cannot be at par, when Dattu has worked for six years and the other workmen had worked for two years.

11 In the instant case, Dattu has admittedly worked in between May 2000 and his last day in employment 1.7.2006, which is about six years. Dattu, therefore, deserves to be granted compensation at the rate of

Rs.50,000/- per year of service put in by him, in view of the law laid down by the Honourable Apex Court. He shall, therefore, be entitled for a compensation of Rs.3,00,000/-.

12 In view of the above:-

(A) Writ Petition No.10436 of 2018 filed by the University stands dismissed. Rule is discharged.

(B) Writ Petition No.11366 of 2018 filed by the workman Dattu is allowed. The amount of compensation granted by the Labour Court is modified and the respondent / University shall now pay an amount of Rs.3,00,000/- as compensation to Dattu within eight weeks from today, failing which the said amount shall attract interest at the rate of 6% per annum from the date of the award of the Labour Court and the said compensation amount shall be recovered from the salary of the Vice Chancellor of the University and shall not be paid from the public exchequer or the funds of the University. Rule is accordingly made absolute.

13 I have frequently come across such type of cases in the matter of this University. I find that the Vice Chancellor has frequently exercised his emergency powers under Statute 84(1) of the University Statutes, rather than becoming pro-active in assessing available vacancies and by resorting to a normal recruitment procedure as is contemplated under the Rules in so far as public employment is concerned. In the earlier cases, this court has granted compensation of Rs.1,00,000/- each to

Dadaji and Sarjerao and Rs.1,25,000/- to Arun. Shri Barde, learned Advocate submits that he himself has appeared in about 20 cases of such workers and compensations have been granted.

14. I cannot turn a blind eye to these type of cases for the reason that though compensation is granted to such daily wagers, being justified in law, it amounts to a huge burden on the public exchequer and such amounts of compensation have to be paid from the tax payers money merely because the Vice Chancellor of the respondent has failed to assess the available vacancies and has failed to initiate the process of recruitment in a pro-active manner. It has been consistently argued on behalf of the University that such 11 months' appointments are made and continued until regularly selected candidates are available.

15 In the aforesaid circumstances, I deem it appropriate to direct the Registry of this Court to place a copy of this judgment before His Excellency the Chancellor of the Agricultural University, who is the Honourable Governor of the State of Maharashtra, for his consideration and initiation of appropriate directions to curtail such methods of temporary employment, which impose a huge financial burden on the State exchequer.

(RAVINDRA V. GHUGE, J.)

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