

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

WRIT PETITION (ST.) NO. 27643/2017

The EE, Minor Irrigation Division, Wardha
..VS..
Narayan Rambhau Khadake

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

Court's or Judge's orders

Shri M.A. Kadu, Advocate for the petitioner

CORAM : Z.A.HAQ, J.
DATED : 06/12/2018

CIVIL APPLICATION (CAO) NO. 1760/2018 AND M.C.A.
(ST.) NO. 17446/2018

Accepting the explanation given in the applications, the delay of 133 days in filing the restoration application is condoned, the order passed by the Registrar (J.) on 26/02/2018 is recalled and the writ petition is restored.

The civil application and the miscellaneous civil application are **allowed** accordingly.

WRIT PETITION (ST.) NO. 27643/2017

Taken up for hearing on admission.

By this petition, the employer takes exception to the order passed by the subordinate Courts concurrently upholding the claim of the employee that his services were illegally terminated by the employer. However, in lieu of reinstatement, the Labour Court, granted compensation to the

employee. The Industrial Court has maintained the order passed by the Labour Court.

Various submissions are made by the learned Advocate for the petitioner, one of it being that the employee was not entitled for the protection of Section 25F of the Industrial Disputes Act and the benefit of Kalelkar Award.

In the facts of the present case and specially considering that the Labour Court has considered the entire material on record and has consciously moulded the relief and granted compensation to the employee in lieu of reinstatement, I am not inclined to interfere in the matter in the extra-ordinary jurisdiction.

The writ petition is **dismissed**. No costs.

JUDGE

Ansari