

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.9698 OF 2019

THE CHIEF EXECUTIVE OFFICER ZILLA PARISHAD
AHMEDNAGAR THROUGH AUTHORIZED OFFICER
VERSUS
NAVNATH RADHAKISHAN VITNOR

Mr.P.V.Tapse-Patil, Advocate for the petitioner.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 03/08/2019

PER COURT :

1. The petitioner/Zilla Parishad, Ahmednagar, is aggrieved by the judgment and award dated 18/07/2018 passed by the Labour Court, by which Ref.(IDA) No.2/2014 has been partly answered in the affirmative. The oral termination of the respondent dated 01/04/2012 has been declared as being illegal and as reinstatement was not possible, the Labour Court has granted Rs.50,000/- as compensation to the respondent in lieu of reinstatement in service, continuity and back wages.

2. I have heard the learned Advocate for the petitioner and have gone through the petition paper book with his assistance.

3. I find from the impugned award that the respondent/employee proved that he was working for 3 years from 10/08/2009 till 01/04/2012 with the petitioner. Despite a direction to the petitioner to produce certain documents, the documents were not produced. The petitioner had taken a stand that the respondent/employee was working on temporary/contractual basis and there was no appointment order issued.

4. It clearly appears from the record that the respondent/employee was working on daily wages and had performed work for about 3 years. On the basis of such short appointment and that too on temporary basis, the reinstatement of the respondent/employee would be illogical and un-pragmatic. Compensation in lieu of reinstatement in service was a better option, which the Labour Court has chosen.

5. The Hon'ble Apex Court has held in the following 4 cases that when reinstatement is not practicable, compensation @ about Rs.30,000/- / 40,000/- could be paid per year of service. The State instrumentality is financially weak and the compensation could be at about Rs.30,000/- per year of service. The cases are as under :-

- [a] *Assistant Engineer, Rajasthan State Agriculture Marketing Board, Sub-Division, Kota Vs. Mohanlal* [2013 LLR 1009],
- [b] *Assistant Engineer, Rajasthan Development Corporation and another Vs. Gitam Singh* [(2013) 5 SCC 136]
- [c] *BSNL Vs. Man Singh* [(2012) 1 SCC 558]
- [d] *Jagbir Singh Vs. Haryana State Agriculture Marketing Board* [(2009) 15 SCC 327].

6. The Labour Court has however quantified the compensation at Rs.50,000/-. The petitioner is unaware as to whether the respondent/employee has challenged the impugned award. As such, I am not going into the issue that the compensation amount could have been more and the Labour Court has granted a lesser compensation.

7. As such, this petition, being devoid of merit, is therefore dismissed.

8. The Registrar (Judicial) shall take note that in the event, the respondent herein Navnath Radhakisan Vitnor approaches this Court by filing a writ petition for challenging the award dated 18/07/2018 in Reference (IDA) No.02/2014, a copy of this order shall be placed on record and shall be brought to the notice of this Court.

(Ravindra V.Ghuge, J.)