

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

901 WRIT PETITION NO.5390 OF 2018

SHRIRANG PATILBA AHER
VERSUS
THE CHIEF EXECUTIVE OFFICER ZP AHMEDNAGAR AND ANOTHER

...

Advocate for Petitioner : Mr Dhage Babasaheb V.
Addl.GP for Respondents State: Mr P S Patil

**CORAM : S. V. GANGAPURWALA &
ANIL S. KILOR, JJ.**

DATE : 15th October, 2019

ORDER:

1. Mr Dhage, learned Advocate for the petitioner submits that the petitioner is appointed on 15th January, 1979. According to the learned counsel, the petitioner continuously worked upto 1986 and on 19th January, 1986 he was terminated. The petitioner filed complaint before the Labour Court. The Labour Court allowed the complaint and granted reinstatement. The employer assailed the same before the Industrial Court. The Industrial Court set aside the judgment of the Labour Court and remanded the matter to the Labour Court. The petitioner challenged the judgment of the Industrial Court by filing writ petition No.2565/1998 before this Court. According the learned counsel, for all these years, the matter could not be taken up. The petitioner filed 2/3 civil applications, however, the same were not considered. According to the

learned counsel the writ petition was pending in this Court for 18 years. The petitioner is entitled for the pensionary benefits considering his services continuously from 1979 till the judgment of the Court dated 19th July, 2016. According to the learned counsel, Rule 57 of the Maharashtra Civil Services (Pension) Rles also would apply in the present case.

2. The judgment of the Labour court granting reinstatement to the petitioner is set aside. The ex-parte order of the Labour Court was recalled. The order of termination, as such, remained in force. The petitioner filed writ petition before this Court bearing Writ petition No.2565/1998. The same came up for hearing and decided by order dated 19th July, 2016. On the said date, the learned Single Judge of this Court observed that instead of the reinstatement the petitioner is to be granted compensation. The petitioner was awarded compensation of Rs.30,000/- for each year of service rendered by the petitioner. The learned Single Judge came to the conclusion that the petitioner has rendered service for seven years.

3. Para 11 of the order of learned Single Judge reads

thus:

"11. In the alternative, he prays that impugned order be set aside and by restoring the award, this Court may consider the merits of the matter. By way of a second alternative and on instructions from the petitioner, present in the court, it is submitted that this Court may quantify the compensation in lieu of reinstatement, continuity of service and back-wages."

4. The petitioner accepted the compensation in lieu of reinstatement.

5. In light of above, the petitioner has not undergone minimum qualifying service required. The petitioner has been compensated and the same has been accepted by the petitioner. The judgment of the learned Single Judge of this Court dated 19th July, 2016 in Writ Petition No.2565/1998 has become final.

6. In light of above, no further relief can be granted to the petitioner as prayed for. Writ petition disposed of. No costs.

(ANIL S. KILOR, J.)

(S.V.GANGAPURWALA, J.)

JPC