

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5142 OF 2016

The Chairman		
Kisanveer Satara Sahakari Sakhar		
Karkhana Limited		
and Another	...	Petitioners
Versus		
Dilip Vishnu Kadam	...	Respondent

**ALONG WITH
WRIT PETITION NO.5144 OF 2016**

The Chairman Kisanveer Satara Sahakari Sakhar Karkhana Limited and Another	...	Petitioners
Versus Shivaji Kashinath Babar	...	Respondent

ALONG WITH
WRIT PETITION NO.5143 OF 2016

The Chairman		
Kisanveer Satara Sahakari Sakhar		
Karkhana Limited		
and Another	...	Petitioners
Versus		
Pawan Kumar Babar	...	Respondent

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Mr. S.S. Pakale a/w Dnyaneshwar Kale and P.T. Waghmare i/b Shankar Katkar for the Petitioners in all petitions.
Mr. Meelan Topkar i/b Mr. Vaibhav Gaikwad for the Respondent.
Mr. Madhukar Rajaram Yadav, In-charge Head Time Keeper of the Petitioners.

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CORAM : S.C. GUPTE, J.

DATE : 11 FEBRUARY 2020

P.C. :

. These writ petitions challenge awards passed by the Labour Court at Satara and confirmed partially by the Industrial Court at Satara in a revision application. The impugned awards concern reinstatement of the Respondents in service of the Petitioners. The orders of the Labour Court, originally passed on complaints, set aside termination of each of the complainants and order their reinstatement from the date of their respective dismissals with continuity of service and other consequential benefits. They, however, deny back wages to the complainants. In revision, the Industrial court has reversed the order of denial of back wages and ordered full back wages from the date of dismissals till their reinstatement. The other aspects of the matter, namely, reinstatement with continuity of service from the date of their dismissal and consequential benefits on that basis, ordered by the Labour Court, were not disturbed by the Industrial Court in revision. These orders are challenged by the Petitioner-establishment. After the matter is heard at length, it is agreed between learned Counsel for the parties (Mr. Pakale, learned Counsel for the Petitioner, giving this consent on the basis of instructions of Mr. Madhukar Rajaram Yadav, In-charge Head Time Keeper of the Petitioners) that the impugned petitions may be disposed of by this court without stating any reasons. It is, accordingly, ordered that the impugned orders of the Labour Court at Satara, passed on 3 July

2012, are confirmed, save and except, the order on back wages. Full back wages ordered by Industrial Court in revision are reduced to 45 per cent of such wages. Accordingly, the order of the labour court in terms of the operative clauses-1 to 4 is confirmed together with back wages at the rate of 45 per cent of wages payable from the date of their dismissals till their reinstatement. The court is informed that out of three original complainants, two have already superannuated. The order of back wages shall accordingly be computed till the date of their respective superannuations. So far as the third complainant, namely, complainant in Complaint (ULP) No.42 of 2007, is concerned, he shall be allowed to join duties from 1 March 2020. From the date of his dismissal from 29 February 2020, he shall be paid back wages in accordance with the order above. All three writ petitions are disposed of accordingly.

(S.C. GUPTE, J.)

Rajesh V.
Chittewan

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Rajesh V. Chittewan
Date: 2020.02.17
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