

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

LETTERS PATENT APPEAL NO. 135 OF 2010

IN

WRIT PETITION NO. 2591 OF 1999

Maharashtra State Road Transport Corporation
Through the Divisional Controller,
Chandrapur Division, Chandrapur. ... **APPELLANT**

...VERSUS...

Christidas s/o Thoma Lakde,
Aged Major,
R/o. Christian's Colony,
Ward No.6, Chandrapur. ... **RESPONDENT**

Shri A.S. Mehadia, Advocate for the Appellant.
None for the respondent.

CORAM:- Z. A. HAQ AND
AMIT B. BORKAR, JJ.

DATED :- 15.12.2020

ORAL JUDGMENT (PER: AMIT B. BORKAR, J.) :-

1. This is an appeal under Clause 15 of the Letters Patent challenging the judgment and order passed by the learned Single

Judge thereby partly allowing the writ petition of an employee and directing the employer to pay back wages to the extent of 25%.

2. The employer Maharashtra State Road Transport Corporation, Chandrapur has challenged the judgment of the learned Single Judge of direction to the extent of 25% back wages.

3. We have heard Shri Mehadia, learned Advocate for the appellant. He submitted that the view taken by the learned Single Judge is not according to law and the employee was not entitled to any back wages as the misconduct committed by him was held to be proved.

4. We have gone through the impugned judgment and the reasons given by learned Single Judge. The learned Single Judge while granting back wages to the extent of 25% has recorded a finding that the participation of the employee in the strike was solitary instance and therefore, in the facts of the case, the learned Single Judge directed payment of back wages to the extent of 25% for the period from 23.01.1985 to 21.09.1992.

5. Having considered the reasons given by the learned Single Judge, we do not find any perversity or illegality in the reasons given by the learned Single Judge. Therefore, there is no

merit in the Letters Patent Appeal. The same is dismissed. There shall be no order as to costs.

JUDGE

JUDGE

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