

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

WRIT PETITION NO.13 OF 2020

(Balaji s/o Girmaji Katekhaye Vs. Municipal Council, Paoni thr. its Chief Officer and another)

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

Court's or Judge's orders.

Shri D.C.R. Mishra, Advocate for Petitioner.

CORAM: RAVINDRA V. GHUGE, J.

DATE: 13th JANUARY, 2020.

1] The petitioner workmen is aggrieved by the judgment dated 17.01.2019 delivered by the Labour Court in Application (IDA) No.6/2015 by which, the said application preferred by the petitioner under section 33-C(2) of the Industrial Disputes Act, 1947, has been rejected.

2] The record reveals that the petitioner had approached the Labour Court along with six other co-workers in Complaint (ULP) Nos.189 to 195/2013. By judgment dated 27.06.2001, the Labour Court allowed their complaints and granted reinstatement with continuity and full back-wages from 01.07.1997. The respondent Municipal Council directly approached this Court against the present petitioner. In Writ Petition No.577/2003 filed by the Municipal Council, the learned Single Judge of this Court delivered a judgment dated 19.01.2009, and it was directed that the back-wages and retrenchment compensation shall be calculated for the period 01.05.1999

till the date when the petitioner council would retrench the respondent employee w.e.f. 01.05.1999 as he was working in the Octroi Department and the Octroi Department was abolished on 01.05.1999.

3] The Municipal Council, Paoni preferred L.P.A. No.300/2009 before the learned Appeal Bench of this Court. The L.P.A. was dismissed by order dated 18.12.2014 by holding that the decision delivered in the earlier L.P.A. No.299/2009 dated 26.07.2013 would be applicable and the amount deposited by the council in this Court can be withdrawn by the employee.

4] In the above backdrop, the Labour Court, while delivering the impugned judgment, has specifically concluded in paragraph 23 that the High Court has granted back-wages for the period 01.07.1997 upto 01.05.1999 to the employee and not for the rest of the period. The said employee has not challenged the order of the High Court. He has already received the back-wages and retrenchment compensation upto 01.05.1999. I also find from the record that the employer has calculated the back-wages and the retrenchment compensation for the period 01.07.1997 to 01.05.1999 along with interest at the rate of 10% per annum and this payment has been made to the petitioner.

5] Considering the above, I do not find any merit in this petition and the same is therefore, dismissed.

(Ravindra V. Ghuge, J.)