

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 4717 OF 2013

The State of Maharashtra ... Petitioner

VERSUS

Vishwanath Balchand Rathod ... Respondent

Mrs. V. S. Chaudhary, AGP for the petitioners
Mr. A. S. Shelke , Advocate for the respondent

CORAM : RAVINDRA V. GHUGE, J.

DATE : 7th March, 2022

ORDER:

1. The respondent was appointed as Watchman, as like in the earlier case (WP 495/2013), on 01.08.1991. He was terminated on 01.06.1998. By the impugned Award dated 30.03.2012, Reference (IDA) No.49/2007 was allowed by the Labour Court, Jalna and the respondent was granted reinstatement in service with continuity and full back wages.

2. It is pointed out that the State Government issued Government Resolution dated 16.10.2012 vide which, such employees working in Forest Department who have been in employment on temporary basis in between 1994 to 2004 and have been working for at least five years, would be considered for regularization and the

deemed date would be 01.06.2012, if they have continued in employment.

3. In the instant case, after the award was delivered, the petitioner was reinstated in service and since then he is in employment.

4. The learned Advocate for the respondent submits that the respondent may have attained the age of superannuation at the age of 60 years.

5. In this matter, application under section 17-B of the Industrial Disputes Act was not filed by the respondent.

6. Considering the above, I find that the submissions of the learned AGP on behalf of the petitioner can be accepted only to the extent of payment of back wages. As the respondent has apparently not worked from 01.06.1998 till 01.12.2012 and was previously on daily wages coupled with the fact that he has been reinstated in service with effect from 01.12.2012 and he is in continuous employment, he can be deprived of back wages so as to bring the litigation between the parties to an end.

7. In view of above, this petition is partly allowed. To the extent of the back wages, the direction to pay full back wages from 01.06.1998 till reinstatement of the respondent on 01.12.2012, is set aside.

8. The petitioner/ Forest department shall, as like the earlier petition, would forward the proposal to the competent authority for regularization of the respondent on or before 31.05.2022 and the Competent Authority would decide the said proposal in the light of Government Resolution dated 16.10.2012 on or before 31st August, 2022. Since he has been superannuated, he would be granted the deemed date and arrears of monetary benefits shall be paid prior to 31.05.2022.

(RAVINDRA V. GHUGE, J.)

JPC