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

961 WRIT PETITION NO.5334 OF 2006

Maharashtra State Farming
Corporation Ltd.,
Tilaknagar Mala, Shrirampur,
Tq. Shrirampur, Dist. Ahmednagar,
Through it's Estate Manager

...PETITIONER

VERSUS

Sanjay s/o Baburao Torane,
Age: 34 years, Occ: Nil,
R/o Ward No. 2, Sangamner Road,
Shrirampur, Tq. Shrirampur,
Dist. Ahmednagar

...RESPONDENT

...

Mr V. R. Dhorde, Advocate for petitioner;
Mr P. P. Shahane, Advocate for respondent

CORAM : RAVINDRA V. GHUGE, J

DATE : 24th March, 2022

ORAL JUDGMENT:

1. The petitioner is aggrieved by the Judgment of the Labour Court, dated 23/06/2004, by which, Complaint (ULP) No.1/1995 filed by the respondent was allowed. His dismissal order dated 20/12/1994 w.e.f. 26/12/1994, has been set aside and he has been granted reinstatement with continuity in service and full backwages. The petitioner is also aggrieved by the the Judgment of the Industrial Court, dated 10/04/2006, vide which, Revision

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(ULP) No. 49/2004, filed by the petitioner, has been dismissed.

2. By a speaking order dated 30/11/2006, interim relief in terms of prayer clause (C) was granted, thereby staying both the Judgments. By an order dated 09/02/2007, the earlier order of granting interim relief was modified by staying the impugned Judgment to the extent of the backwages and continuity in service, on a condition that the respondent would be reinstated in service.

3. The respondent had joined duties on 18/03/1985 as a 'Wireman'. He was dismissed from service on 26/12/1994. After the litigation journey, as recorded above, he was reinstated in service on 07/03/2007 and he superannuated on 01/10/2021.

4. After this matter was heard for quite sometime on 21/03/2022, an adjournment was granted to the parties so as to take instructions, as to whether a 'quietus' could be rendered to this litigation. The learned Advocate for the petitioner submits on instructions that, considering the service of the respondent from 18/03/1985 upto 26/12/1994 and from 07/03/2007 till 01/10/2021, the petitioner is agreeable to extend backwages upto 50% for the period of unemployment from 26/12/1994 till 06/03/2007. The learned Advocate for the respondent/employee submits on

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instructions that, he is superannuated since 01/10/2021 and is willing to accept 50% backwages with continuity and his earlier service may be reckoned with, for the purposes of his retiral/pensionary/gratuity benefits.

5. In view of the above and without going into the legality of the impugned Judgments, this petition is partly allowed by modifying the direction of the Labour Court, granting 100% backwages. The petitioner shall, therefore, pay 50% backwages to the respondent for the above mentioned period of unemployment, as expeditiously as possible and preferably, on or before 31/05/2022. In the light of this order, the Judgment of the Industrial Court would not survive and the same would be rendered inoperable.

6. In the event, the respondent has any legal claims arising out of his employment and his unemployment, he would be at liberty to avail of a remedy, as is permissible in law.

7. Rule is made absolute in the above terms.

(RAVINDRA V. GHUGE, J.)