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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.13143 OF 2019

Navnath Radhakisan Vitnor
(Died) Through LR Smita Navanath Vitnor

PETITIONER

VERSUS

Ahmednagar Zilla Parishad Ahmednagar
through Chief Executive Officer

RESPONDENT

.....
Mr. Parag Vijay Barde, Advocate for the petitioner
Mrs. Manjushri Shendage – Narwade, Advocate for respondent
.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 9th JUNE, 2022

ORDER :

1. This petition, filed under Articles 226 and 227 of the Constitution of India, is directed against the Award of the Labour Court, Ahmednagar in Reference (IDA) No. 2 of 2014, to the extent it grants inadequate compensation to the petitioner.
2. Reference (IDA) No. 2 of 2014 was initiated in the Labour Court, Ahmednagar, at the instance of the petitioner. In the statement of claim, the petitioner claimed that he joined services of the respondent from 10th August, 2009 as "Watchman". He was illegally terminated on 1st April, 2012. He, therefore, claimed that his termination is illegal and he be reinstated with continuity

of service and full back-wages.

3. The Labour Court, after hearing the parties, partly allowed the Reference, thereby holding that the termination of the petitioner was illegal, however, directed the respondent, to pay monetary compensation of Rs.50,000/- to the petitioner. The petitioner has questioned adequacy of compensation granted by the Labour Court in this petition.

4. Heard learned advocate for the petitioner and the learned advocate for the respondent.

5. Learned advocate for the petitioner, by placing reliance on a decision of this court in writ petition No. 9698 of 2019, "*The Chief Executive Officer Zilla Parishad, Ahmednagar V/s Navnath Radhakishan Vitnor*" has submitted that the respondent had challenged the said Award in this petition and this Court repelled the challenge raised by the present respondent in the said writ petition, however, in paragraph No. 6 of the judgment this Court has kept the point of adequacy of compensation open. Further, by relying on the decision of this court in Writ Petition No. 3767 of 2017, wherein, by relying on various decisions of the Supreme Court, this Court has held that compensation @ Rs.50,000/- per year of service would be appropriate. He, therefore, submits that

the petition be allowed and compensation may be enhanced.

6. The learned advocate for the respondent, on the other hand, vehemently opposed the prayer of the petitioner, contending that the petitioner was working as contractual employee and, therefore, he is not entitled to any compensation. She supports the impugned Award passed by the Labour Court.

7. In Writ Petition No. 3767 of 2017 *"Ahmednagar Mahanagr Palika V/s Rajendra Bandu Suryanarayan"*, in similar facts, this Court (Coram : Ravindra V. Ghuge, J.), relying on ***"Assistant Engineer, Rajasthan State Agriculture Marketing Board, Sub Division, Kota V/s Mohan Lal"*** 2013 LLR 1009; ***"Assistant Engineer, Rajasthan Development Corporation and another V/s Gitam Singh"*** (2013) 5 SCC 136; ***"BSNL V/s Man Singh"*** (2012 1 SCC 558 and ***"Jagbir Singh V/s Haryana State Agriculture Marketing Board (2009) 15 SCC 327"***, held :-

"14. The Hon'ble Apex Court has concluded in the above referred judgments that if in peculiar facts and circumstances of the case, reinstatement is not feasible or proper, compensation of about Rs.30,000/- to 40,000/- per year of service would be fair. With the passage of six years, I find that the compensation at the rate of Rs.50,000/- per year of service would be appropriate and the respondent, having worked for about 8 years, would be entitled for compensation of Rs.4,00,000/- (Rs.Four lakhs). On account of the

litigation, that the respondent had to resort to, owing to the non compliance of the judgment of the Labour Court, it would be appropriate to grant compensation of Rs.50,000/- (Rs.Fifty thousand) to the respondent to cover his litigation journey from 2010 till date.”

8. The above observations are squarely applicable to the facts of the present case.

9. For the aforestated reasons, the writ petition is partly allowed. The impugned order of the Labour Court is modified to the extent of clause (3). The respondent is directed to pay monetary compensation of Rs.1,50,000/- to the petitioner within a period of eight weeks from the date of receipt of writ of this order.

**[NITIN B. SURYAWANSHI]
JUDGE**