

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

WRIT PETITION NO.4240 OF 2018

**BHAGWAT SALUJI TANGADE
VERSUS
THE EXECUTIVE ENGINEER BEED**

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Advocate for the Petitioner : Shri Parag Shahane
AGP for the Respondent : Ms.V.S. Choudhary

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 09th March, 2022

Per Court :

1. The petitioner is aggrieved by the judgment and award dated 04.02.2017, by which, Reference (IDA) No.4/2004 has been partly answered in the affirmative. The Labour Court has concluded that the petitioner was retrenched from employment and the retrenchment was unsustainable. However, in lieu of reinstatement in service, the Labour Court granted the compensation of Rs.27,677.50. The Labour Court concluded that the petitioner had proved that he had worked for six years.
2. I find from the record that the respondent has not challenged the award delivered by the Labour Court. The petitioner has assailed the same by contending that he should be granted reinstatement in service with continuity and full back wages from 21.10.1989.

3. Shri Shahane, the learned advocate for the petitioner, places reliance upon the following judgments :-

- (a) *Assistant Engineer, Rajasthan State Agriculture Marketing Board, Sub-Division, Kota Vs. Mohanlal*, [2013 LLR 1009];
- (b) *Assistant Engineer, Rajasthan Development Corporation and another Vs. Gitam Singh*, [(2013) 5 SCC 136];
- (c) *BSNL Vs. Man Singh*, [(2012) 1 SCC 558]; and
- (d) *Jagbir Singh Vs. Haryana State Agriculture Marketing Board*, [(2009) 15 SCC 327].

4. The Honourable Supreme Court has held in the above referred four judgments that in cases where reinstatement in service is not practicable, the court should quantify compensation depending upon the number of years of service put in by the employee and by taking into account the financial strength of the employer to pay the quantified compensation.

5. In the present case, the petitioner has proved that he was working for six years. The industrial dispute has been raised after 15 years. He is out of employment for 33 years. In such a case, granting reinstatement with continuity and back wages is not only impracticable, but would amount to rewarding the litigant, who had slept over his purported grievance. As such, the quantified compensation would be a

better option.

6. The employer, in this case, is the Public Works Department, Beed, which is the limb of the State Government. It requires no debate that the Public Works Department is always in financial difficulty. Considering this position and taking into account that the petitioner has worked for six years on daily wages, the compensation of Rs.30,000/- per year of service would be an appropriate compensation.

7. In view of the above, this Writ Petition is partly allowed. The directions issued by the Labour Court at Sr.Nos.2 and 3 of the operative part of the impugned order are modified as under :-

The petitioner shall be entitled for an amount of Rs.1,80,000/- towards the compensation in lieu of reinstatement in service and shall also be entitled for an amount of Rs.20,000/- towards litigation costs. The respondent shall pay the above stated compensation and costs to the petitioner on or before 31.05.2022.

kps

(RAVINDRA V. GHUGE, J.)