

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

WRIT PETITION NO. 132 OF 2014

The State of Maharashtra ... **Petitioner**

VERSUS

Udhav Babasaheb Sanap ... **Respondent**

Mrs. V. S. Chaudhary, AGP for the petitioner
Mr. P. P. Shahane , Advocate for the respondent

CORAM : RAVINDRA V. GHUGE, J.

DATE : 7th March, 2022

ORDER:

1. The respondent was appointed as a Watchman, as like in the earlier case (WP No. 495/2013) on 01.06.1987. He was terminated on 31.03.2004 after putting in 16 years and nine months. By the impugned Award dated 24.06.2013, Reference (IDA) No.30/2004 was allowed by the Labour Court, Aurangabad and the respondent was granted reinstatement in service with continuity and 50% back wages.

2. The respondent has not initiated recovery proceedings and has also not filed an application under Section 17-B of the Industrial Disputes Act for seeking payment of last drawn wages. This, however, seems to be insignificant/irrelevant as the respondent was born on 26.10.1951 and, therefore, attained age of superannuation on 31.10.2011 at the age of 60 years. He would also be covered by the

Government Resolution dated 16.10.2012 as he was in employment in between 1994 to 2004. His regularization would, therefore, be from the deemed date 01.06.2012.

3. 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.

4. In view of above, this petition is partly allowed.

(a) The direction to pay 50% back wages from the date of termination till his reinstatement is set aside. The order of reinstatement would be inoperable since the petitioner attained the age of superannuation on 31.10.2011.

(b) The petitioner/ Forest department shall, as like the earlier petition, forward the proposal of the respondent for his regularization from the deemed date as per Government Resolution dated 16.10.2012 on or before 31st May, 2022 to the competent authority. The competent authority shall decide his proposal and grant the deemed date on or before 31st August, 2022.

(RAVINDRA V. GHUGE, J.)