

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.7511/2018

Zilla Parishad, Nagpur, Through its Chief Executive Officer, Civil Lines, Nagpur
and others
...Versus...
Krishna S/o Baburao Bobde and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Shri V.D. Raut, Advocate for petitioners
Shri Atul Pathak, Advocate for respondent no.1
Shri A.A. Madiwale, AGP for respondent no.2

CORAM : AVINASH G. GHAROTE, J.

DATE : 12/10/2022

1. The only ground which is raised by Shri Raut, learned counsel for the petitioners is regarding the award of 75% back wages by the learned Industrial Court. He submits that the same is excessive, considering that the respondent no.1 has not rendered any services to the petitioners during the aforesaid period of time.

2. Shri Pathak, learned counsel for the respondent no.1 justifies the judgment dated 07/08/2018, granting 75% back wages, as according to him, the respondent no.1 was not employed anywhere.

3. Though there is no standard to determine the quantum of back wages to be granted to any employee on his

reinstatement, it is equally correct that both sides of the coin have to be considered while awarding the back wages. On the one hand, the petitioners have not had the benefit of the services of the respondent no.1 and on the other hand, the respondent no.1 was not gainfully employed otherwise, considering which, in my view, 50% back wages would be appropriate.

4. The judgment of the learned Industrial Court is therefore modified to the above extent. Rest of the challenge to the judgment of the Courts below is not pressed by Shri Raut, learned counsel for the petitioners, on the ground that the respondent no.1 has already been reinstated and is working with the petitioners since 2019. The writ petition is therefore partly allowed by modifying the judgment of the learned Industrial Court dated 07/08/2018 reducing the back wages to 50% from 04/04/2007 till the reinstatement. Rest of the judgment is maintained. No order as to costs.

5. Since by the order dated 01/04/2019 of this Court, 50% of the back wages have already been deposited in this Court, the respondent no.1 shall be entitled to withdraw the said amount along with accrued interest, if any.

(AVINASH G. GHAROTE, J.)