

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.6968 OF 2022

Nanded-Waghala City Municipal Corporation
Through its Commissioner,
Office at Main Administrative Building
Nanded-Waghala City Municipal Corporation,
Nanded, Tal. & Dist. Nanded Petitioner

Versus

Jyoti W/o Prakash Mane,
Age- 37 years, Occu.: Houshold,
R/o. Kaikadi Galli,
In front of Dr. D.R. Deshmukh,
Nanded, Tal. & Dist. Nanded Respondent

.....
Mr. R.K. Ingole, Advocate for the Petitioner
Mr. A.T. Kanawade, Advocate for the Respondent
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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 19th APRIL, 2023

ORAL JUDGMENT :

1. Rule. Rule made returnable forthwith. Heard finally with the consent of the parties.

2. The order passed by the Labour Court, Nanded in Complaint (ULP) No.45 of 2013, confirmed by the Industrial Court in Revision (ULP) No.14 of 2018, is challenged by the petitioner in this petition, filed under Articles 226 and 227 of the Constitution of India.

3. Facts which are undisputed that the husband of the respondent namely, Prakash Mane was serving with the petitioner as daily wages worker since the year 1991. His services were terminated by order dated 18/04/2006. He challenged the termination order by filing Complaint (ULP) No.45 of 2013 before the Labour Court, Nanded. After hearing the parties, and recording the evidence, the Labour Court partly allowed the complaint by order dated 22.08.2017, and set aside the termination order, and awarded compensation of Rs.3,00,000/- to the husband of the respondent.

4. Being aggrieved, the petitioner filed Revision Application No.14 of 2018 in the Industrial Court, Jalna. The Industrial Court was pleased to reject the Revision Application filed by the petitioner. Both these orders are impugned in the present petition.

5. Heard the learned advocate for the petitioner and the learned advocate for the respondent. Perused the writ petition memo, annexures thereto and the impugned orders.

6. Admittedly, husband of the petitioner has worked as daily wages worker with the petitioner since the year 1991 till he was terminated on 18/04/2006. The petitioner has failed to

produce before the Labour Court the record in respect of service of husband of the respondent, even the muster roll showing attendance of husband of the respondent is not produced. It is therefore clear that husband of the respondent has worked on meager salary of Rs.60/- or Rs.100/- continuously for 15 years. The colleagues of husband of the respondent, who were similarly situated, were confirmed by the petitioner. Therefore, Labour Court has rightly held that husband of the respondent is discriminated by the petitioner.

7. The Industrial Court, in Revision Application, has repelled the challenge of the petitioner by upholding the decision of the Labour Court.

8. Both the Courts have recorded concurrent findings of fact, and impugned orders are well reasoned orders, and no fault can be found with the orders impugned in the present petition. The petitioner has failed to make out a case to warrant interference in extraordinary writ jurisdiction.

9. The Writ Petition being devoid of merit is dismissed.

Rule discharged.

10. The petitioner has deposited 50% amount of the compensation awarded by the Labour Court. The said amount along with accrued interest be given to the respondent. The petitioner shall pay remaining 50% amount to the respondent within a period of eight weeks from the date of receipt of this order.

[NITIN B. SURYAWANSHI]
JUDGE

S.P Rane