

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

CAW NO.1089 OF 2023

AND

Writ Petition No.6156 Of 2022

Sarpanch, Gram Panchayat, Wadner, Hinganghat And Another Vs Subhash S/O.
Ramdas Bhoyar

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

Court's or Judge's Order

Shri A.J. Salway, Advocate for the Petitioner
Ms Chailali Bhute, Advocate for the respondent-sole

CORAM : ANIL S. KILOR, J.

DATED : 19th April 2023

Writ Petition No.6156 Of 2022

1. Heard.

2. In this petition, a challenge is raised to the judgment and order dated 13.12.2019 passed by Labour Court, Wardha in IDA No.04 of 2019, directing the petitioner to pay Rs.2,71,700/- to the respondent towards back wages for a period 01.09.2014 to 31.03.2019, which is the subject matter of the present writ petition.

3. The respondent was working as 'Peon' from 2004 in Gram Panchayat, Wadner, Tq. Hinganghat, District Wardha and he was terminated on 28.08.2014. Thereupon, he filed Complaint (ULP) No.17 of 2015 which was allowed on 13.11.2017.

4. The petitioners were directed to reinstate the respondent with back wages from 01.09.2014. Despite the same, the said

order was not complied with. He accordingly approached to the Labour Court for back wages which were not paid to the respondent.

5. Accordingly, the notices were issued in the said proceeding, which were served upon the petitioners by Registered Post Acknowledgment Due, however, on failure of the petitioners to attend the said proceeding, the same was proceeded *ex parte* and the impugned judgment and order was passed.

6. The learned counsel for the petitioners states that no reasons have been given by the learned Labour Court to arrive at a figure of Rs.4,940/- per month as wages.

7. It is submitted that there is a dispute about quantum of wages directed by the Labour Court, to be paid by the petitioners to the respondent. He submits that the learned Labour Court ought to have determined the amount before passing the impugned order. He accordingly, submits that the impugned order is erroneous and liable to be quashed and set aside.

8. On the other hand, the learned counsel for the respondent supports the impugned judgment and order and prays for dismissal of the present writ petition.

9. As the whole controversy revolves around the quantum of back wages last drawn by the respondent, a service book of the respondent is perused which shows that he received Rs.4,940/- as wages for the post of Peon. The said amount was considered as last drawn wages by the respondent and accordingly, the

impugned judgment and order was passed by the learned Labour Court.

10. On a specific query put to the learned counsel for the petitioners that, according to the petitioners what was the wages last drawn by the respondent and whether there is any document on record in support of such quantum. Thereupon, the learned counsel for the petitioners fairly states that the petitioners have not filed any such document on record. He is also not in a position to state the exact amount of last wages drawn by the respondent.

11. Thus, considering that the petitioner have not pointed out any perversity in the impugned judgment, I do not find any merit in the present writ petition, accordingly, it is **dismissed**.

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12. This is an application for withdrawal of amount.

13. As this Court has dismissed the writ petition, and as the amount of Rs.50,000/- lying with the Registry of this Court towards back wages, the same is directed to be withdrawn by the respondent.

14. The application is **disposed of** accordingly.

[ANIL S. KILOR, J.]

Digitally signed by NIRANJAN
DOMAJI THAWRE
Signing Date: 24.04.2023
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