

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

Writ Petition No.7443 of 2022

Bharat Pandurang Deshpande Vs. District Maleriya Officer, Akola

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

Court's or Judge's Order

Shri Anand Deshpande, Advocate for the Petitioner
Shri D.P. Thakre, AGP for the respondent-sole

**CORAM : ANIL S. KILOR, J.
DATED : 19.01.2023**

1. Heard.
2. In this petition, a challenge is raised to the judgment and order dated 11.06.2014 passed by Industrial Court, Akola in Revisional (ULP) No.28 of 2005, whereby the judgment and order passed by the Labour Court Akola dated 13.01.2005 was maintained to the extent of reinstatement of the petitioner in service and quashed the order granting back wages.
3. Thus, it is clear that the impugned judgment and order dated 11.06.2014 was not challenged for a long period for about eight and half years and thereafter, the present petition came to be filed. The only reason given in the petition, for delay is that after the impugned judgment and order, the petitioner was in shock and because of mental trauma and could not arrange the money for challenging the order passed by the Industrial Court.
4. However, the petitioner is not denying that he was reinstated in service as per the judgment and order dated

13.01.2005 passed by the learned Labour Court, Akola and was getting wages.

5. Furthermore, the reasons recorded by the learned Industrial Court in Paragraph 12 of the judgment dated 11.06.2014 for setting aside the order granting back wages, show that the learned Industrial Court after taking into consideration the well settled position of law as regards grant of back wages, denied the same to the petitioner.

6. The petitioner has neither stated anywhere in the complaint that he was not gainfully employed elsewhere during the period of termination nor any evidence was produced by petitioner in this regard. In the circumstances, the denial of back wages by the learned Industrial Court is justifiable and no error or perversity is committed by the learned Industrial Court. Accordingly, the writ petition is **dismissed**.

[ANIL S. KILOR, J.]