

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

Writ Petition No.4226/2017

MSRTC, Nagpur V Prakash

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

Court's or Judge's Orders

Mr. V.H. Kedar, Adv. for petitioner.

Mr. C.V. Jagdale, Adv. for respondent.

CORAM : AVINASH G GHAROTE, J.

DATE : 16-01-2023

The petition questions the judgment dated 06-02-16 passed by the learned Industrial Court (pg 27) whereby the petitioner is directed to calculate the salary of the complainant by adding all increments from 01-04-03 (the date of termination) to 27-01-09 (the date of reinstatement) and pay the salary to the complainant with all consequential benefits within a period of 3 months.

2. Mr Kedar, learned Counsel for the petitioner submits that in the earlier proceeding namely ULP No.21/05 decided on 31-12-08 (pg 13), by the Labour Court the reinstatement was directed without backwages but with continuity of service. That being the position, the second complaint namely ULP No.138/11, seeking backwages was clearly not maintainable, considering which impugned judgment dated 06-02-16

(pg 27) is hereby quashed and set aside.

3. Needless to mention that the respondent shall be entitled to all the benefits of continuity in service as directed by the learned Labour Court in the judgment dated 31-12-2008.

JUDGE

Deshmukh