

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

WRIT PETITION NO.104/2017

- PETITIONERS :**
1. Secretary (Forests)
Revenue and Forest
Department, Mantralaya.
 2. Deputy Director
Social Forestry Division,
Ramdaspath, Akola.
 3. Plantation Officer,
Social Forestry, Talkies Road,
Karanja, District Washim.

...VERSUS...

- RESPONDENTS :**
1. Shri Bhimrao Janardhan Ther
At Post Ladegaon, Tq. Karanja,
District : Washim.
 2. The Labour Court, Akola
Through its Presiding Officer at Akola.

Shri N.R. Patil, AGP for petitioners
Mrs. Sneha Dhote, Advocate (appointed) for respondent no.1

CORAM : AVINASH G. GHAROTE, J.

DATE : 21/03/2023

ORAL JUDGMENT

1. Heard Shri N.R. Patil, learned Assistant Government
Pleader for the petitioners and Mrs. Sneha Dhote, learned counsel
(appointed) for the respondent no.1/employee.

2. The petition challenges the award dated 08/07/2014 passed by the learned Labour Court answering the reference in the affirmative and holding that the petitioner/employer has illegally terminated the services of the respondent no.1 and has further directed reinstatement with continuity of service. What is material to note is that the witness for the petitioner/employer has clearly admitted that the respondent no.1 was working with the petitioner/employer since 15/07/1988 till 01/04/1998 and his services were terminated without following the provisions of the Industrial Disputes Act. That apart, though a plea was raised that the respondent no.1 was engaged under the Employment Guarantee Scheme (EGS), there is no material placed on record to substantiate that plea.

3. Since there is a categorical admission regarding the employment of the respondent no.1 for the aforesaid duration, in my considered view, there is no reason or scope to interfere in the award passed by the learned Labour Court dated 08/07/2014, which is impugned herein. Though it is contended that the back wages could not have been granted from 01/04/1998, however, considering that the amount is only a sum of Rs.84,455/-, I am not inclined to accept this position. The writ petition is, therefore, without any merit and is

accordingly dismissed. The amount, deposited in this Court by the petitioners, be paid to the respondent no.1 along with interest, if any.

4. The fees, be paid to the learned appointed Counsel for the respondent no.1/employee, as per rules.

5. Rule stands discharged. No order as to costs.

(AVINASH G. GHAROTE, J.)

Wadkar