

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

WRIT PETITION NO.392 OF 2020

(RAJESH MADHUKAR TAIWADE..VS.. SAHAKAR MAHARSHI SWARGIYA BABURAOJI DESHMUKH
SHETKARI SAHAKARI SUT GIRNI, WARDHA.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri R.P.Waghmare, Advocate for Petitioner.
Shri Shreyas G. Zinjarde, Advocate for Respondent.

CORAM : ANIL S. KILOR, J.
DATED : JULY 25, 2023.

1. Heard.

2. The petitioner filed a Complaint under Section 28 read with Section 30 of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practice Act, 1971 (hereinafter referred to as "MRTU & PULP Act") raising a grievance against his termination dated 27/03/1996. The said complaint was allowed and the order of termination was set aside. However, in lieu of reinstatement a lump sum compensation was granted to the tune of Rs.25,000/-. The petitioner carried the revision before the Industrial Court challenging the judgment and order of Labour Court dated 02/05/2012 denying the reinstatement. The learned Industrial Court vide order dated 18/02/2019 enhanced the compensation to the tune of Rs.60,000/- from Rs.25,000/-. Thus, the present petition came to be filed by the petitioner seeking reinstatement or in alternative further enhancement in the amount of compensation.

3. It appears from the cause title that on the date of filing of this writ petition on 17/12/2019 the petitioner was 54 years and by now he must have attained the age of superannuation and therefore, there is no question to consider the request of the petitioner for reinstatement.

4. Even otherwise, on merits, it has come on record that the petitioner worked for five years and thereafter he was terminated in the year 1996. However, the petitioner was not diligent in pursuing his complaint filed before the Labour Court and it was dismissed for want of prosecution in the year 2006 i.e. after 10 years of its filing and thereafter in 2009 the said complaint was restored. Therefore, it again shows that even in the case of restoration the petitioner was not diligent. Therefore, both the Courts below have rightly denied the reinstatement to the petitioner. However, the compensation in lieu of reinstatement was granted in view of the fact that one similarly situated employee was reinstated.

5. As far as compensation in lieu of reinstatement is concerned, the learned Industrial Court, after considering the date of dismissal of the complaint and the date of decision by the Labour Court, has rightly calculated Rs.10,000/- per year as compensation and granted Rs.60,000/- towards compensation for six years in lieu of the reinstatement.

6. I do not find any perversity or illegality committed by the learned Industrial Court. I see no reason to interfere in the impugned order. Accordingly, I pass the following order:

The Writ Petition is **dismissed**. No order as to costs.

JUDGE

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