

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 4890 OF 1999

Executive Engineer, Zilla Parishad, Solapur

.. Petitioner

Versus

Rajiba Tukaram Kamble

.. Respondent

...

Mr. Vijay Killedar, for Petitioner.

Ms. Seema Sarnaik for Respondent.

Mrs. Vaishali S. Nimbalkar, AGP for Respondent – State.

...

CORAM : SANDEEP V. MARNE J.

DATE : 22 JULY 2024.

P.C. :-

1) This Petition is filed by Solapur Zilla Parishad challenging the Judgment and Order dated 7 April 1998 passed in Complaint ULP No.237 of 1987 by which the oral termination of the Respondent is set aside and he was directed to be reinstated in service with full back wages from 9 October 1987. The Petition has been admitted on 19 December 2000 and the directions for back wages is stayed. It appears that in pursuance of the order passed by the Labour Court, Respondent was permitted to work during pendency of the present Petition and he has retired on attaining the age of superannuation on 31 May 2012.

2) Mr. Killedar, the learned counsel appearing for Petitioner Zilla Parishad has invited my attention to the pension proposal in respect of the Respondent, in which there is an endorsement that the Respondent has been absorbed in service after his retirement.

3) In my view therefore, there is no reason to entertain the present Petition, so far as the direction for reinstatement is concerned. So far as the directions for payment of back wages during the period from 9 October 1987 to 7 April 1998 is concerned, in my view, the said direction needs to be set aside considering the fact that Respondent is being granted higher benefit of permanency in service, which would result in grant of pension and pensionary benefits to him.

4) Accordingly, the order of the Labour Court dated 7 April 1998 is modified only to the extent of directions for payment of back wages and it is directed that Respondent shall not be entitled to back wages for a period from 9 October 1987 to 7 April 1998. Since Petitioner Zilla Parishad has already processed the case of Respondent for payment of pensionary benefits, it is necessary that the action in this regard be completed within a period of 3 months from today, considering the fact that the Respondent retired from service on 31 May 2011.

5) With the above directions, the Writ Petition is disposed of. Rule is discharged.

[SANDEEP V. MARNE J.]