



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

WRIT PETITION NO.996 OF 2011

Western Coalfields Limited, through Chief General Manager, Nagpur .Vs. Secretary,
Lalzanda Coal Mines, Civil Lines, Nagpur

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

Court's or Judge's Order

Shri O.A. Ghare, Advocate for petitioner.

Shri A.H. Jamal, Advocate for respondent.

CORAM : ANIL S. KILOR, J.

DATED : 18/04/2024

1. In this writ petition, on conclusion of point of reinstatement, the only point remains about the correctness of order granting 25% backwages to the respondent by the order dated 05.10.2010 passed by the Presiding Officer, CGIT, Nagpur in Case No.CGIT/NGP/100/2002.

2. The only ground on which the order of backwages is being challenged is that the complaint against the termination was filed belatedly i.e. after seven years.

3. I do not find substance in the argument. It is evident that, the Court has found the termination of respondent as illegal for the reasons recorded in the order and at the same time, while granting 25% backwages, the Court also considered the delay caused in filing the dispute and other factors.

4. The Court could have granted backwages more than 25% considering the finding recorded by the Court however, the backwages were restricted to 25% for the reason of delay. The reason for restricting it to 25% is the delay in filing complaint.

5. In that view of the matter, it cannot be said that, the Court has not taken into consideration the delay caused in filing complaint. It is pertinent to note that, the respondent was reinstated after 21 years of his termination and if the period of seven years is excluded, for 14 years, the respondent is entitled to receive 100% backwages. In that eventuality, the amount of backwages would be much more than the amount the petitioner has to pay in view of impugned judgment.

6. In that view of the matter, I do not find any error committed by the CGIT in the present matter. Accordingly, the writ petition is **dismissed**.

7. The petitioner is directed to pay the amount as directed by the CGIT within six months from today.

JUDGE