



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

WRIT PETITION NO.1985/2011

1. Principal,
B. N. Engineering College, Pusad,
Tq. Pusad, Dist. Yavatmal.
2. President,
Janata Shikshan Prasarak Mandal,
Pusad, Tq. Pusad, Dist. Yavatmal.

.....PETITIONERS

...V E R S U S...

Sk. Afsar Sk. Raheman,
Aged about Major, R/o Ward No.9,
Malipura, Pusad, Tq. Pusad,
Dist. Yavatmal.

...RESPONDENT

Mr. C. V. Jagdale, Advocate for petitioners.

CORAM:- ANIL L. PANSARE, J.
DATED :- 08.08.2024

ORAL JUDGMENT

Heard Mr. C. V. Jagdale, learned counsel for the petitioners. None appeared for the respondent on the previous date. None appears for the respondent even today.

2. Having heard learned counsel appearing for the petitioners (college and society) and after having gone through the record, what transpires is that the Additional Commissioner of Labour, Nagpur has made a reference under Section 10(1) read

with Section 12 (5) of the Industrial Disputes Act, 1947 for adjudicating the industrial disputes between the parties. The demand of respondent was that he should be reinstated in service with full back-wages and continuity of service with effect from 13.04.1992.

3. Though the respondent has made reference to reinstate him in service with effect from 13.04.1992, the finding of the Labour Court indicates that it is the respondent who himself has abandoned the service from 13.04.1992.

4. The respondent claims to be in service as Laboratory Attendant. The record indicates that he has been appointed on 12.11.1991. He abandoned the work from 13.04.1992, meaning thereby that he has not even completed one year of service nor has he completed 240 days of continuous service, as required under Section 25B read with Section 25F of the Industrial Disputes Act, 1947. In that sense, strict compliance of Section 25F is not required.

5. The respondent, in his evidence, has testified that he resumed service with effect from 12.11.1991 and not from 01.01.1991 and further admitted that he continued service till

13.04.1992. Thus, it is evident that the respondent has not completed 240 days of continuous service and further that he himself abandoned the work with effect from 13.04.1992. Despite the aforesaid status, the Labour Court has directed the petitioners to reinstate the respondent with continuity of service and 50% back wages, which apparently is contrary to the provisions of law and is thus not sustainable.

6. None appeared for the respondent and therefore the error in the impugned award highlighted by the counsel for the petitioners remained uncontroverted.

7. The petition is accordingly allowed. Impugned award dated 31.12.2010 passed by Labour Court, Yavatmal in I.D.A. No.32/2001 is quashed and set aside.

Rule is made absolute in the above terms. No order as to costs.

(Anil L. Pansare, J.)

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