



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

**WRIT PETITION NO.3900 OF 2012**

CHIEF EXECUTIVE OFFICER, ZP, NAGPUR

VS

CHARANDAS BIDUR BAKASARE DIED THR. LRS PAROBAI C BAKASARE

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

Court's or Judge's Order

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Shri S.N. Gaikwad, Advocate for the Petitioner/s  
Shri A.D. Dangore, Advocate for the respondent Nos.1 to 3

**CORAM : N.R. BORKAR, J.**

**DATE : 27.08.2024**

1. This petition takes exception to the award dated 05.06.2012 passed by the learned Labour Court in Reference (IDA) No.47 of 2005.
2. In exercise of the powers under Sections 10(1)(c) and 12(5) of the Industrial Disputes Act, 1947, the following reference was made by the Additional Commissioner of Labour for Adjudication to the learned Labour Court.
3. Whether Shri Charandas Bidur Bakasare, whose services have been terminated from the employment of M/s Chief Executive Officer, Zilla Parishad, Nagpur, should be reinstated in service with full back wages and continuity of service with effect from 06.09.2002.
4. The learned Labour Court has answered the reference in the following terms:

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*Award*

- 1) *The termination of party No.2 dated 06.09.2002 is illegal and hence set aside.*
- 2) *Since party No.2 expired, his legal heirs are entitled to get full backwages with retiral benefits w.e.f. 06.9.2002 till 6.12.2007 i.e. date of death of original party No.2.*
- 3) *Thus reference is answered in affirmative accordingly.*
- 4) *The copies of award be sent to appropriate authority for its publication.*
- 5) *The original conciliation papers be sent back to the concerned authority.”*

5. I have heard the learned counsel for the petitioner and the learned counsel for the contesting respondent Nos.1 to 3.

6. The learned counsel for the petitioner submits that the findings recorded by the learned Labour Court are not in accordance with the material on record. It is submitted that the impugned award passed by the learned Labour Court therefore, needs to be quashed and set aside.

7. On the other hand, the learned counsel for the respondents submits that by order dated 12.01.2012, the learned Labour Court has held that the departmental enquiry conducted by the petitioner was not fair and proper. It is submitted that the said order has attained finality. It is submitted that no evidence was thereafter, led before the Court to prove the alleged misconduct. It is submitted that the award passed by the learned Labour Court therefore, may not be interfered with.

8. The order of the learned Labour Court dated 12.01.2012 in relation to preliminary issue reads thus:

*“Thus departmental inquiry if any, appears to be farce and the dismissal order dated 6.9.2002 appears to be illegal and if any finding of the enquiry officer appears to be perverse.”*

9. The Labour Court has thereafter, granted opportunity to the petitioner to prove the misconduct before the Court. However, it appears that petitioner has not led any evidence thereafter to prove the misconduct. No interference is thus called for in the impugned award passed by the learned Labour Court. Hence, the petition is **dismissed**.

[N.R. BORKAR, J.]