



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH: NAGPUR
WRIT PETITION NO. 6128 OF 2012**

The Sub Area Manager,
M/s. Western Coalfields Limited
Kampete Sub Area, Nagpur

...Petitioner

Versus

The General Secretary, Lalzenda
Coal Mines Mazdoor Union,
Nagpur

...Respondent

WITH
CIVIL APPLICATION NO. 1597 OF 2024

Mr. O.A. Ghare for the Petitioner.
Mr. A.H. Jamal for the Respondent.

CORAM : N. R. BORKAR, J.
DATE : 11 JULY 2024.

PC:-

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 employee in question by the order dated 8.6.2012 passed by the Presiding Officer, CGIT, Nagpur in Case No.CGIT/NGP/69/2005.

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 fifteen years.

3. I do not find substance in the argument. It is evident that, the Court has found the termination of the employee in question as illegal for the reasons recorded in the order and at the same time, while granting 25% back

wages, the Court also considered the delay caused in filing the reference and other factors.

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

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.

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.

8. Pending Application(s), if any, are disposed of.

(N.R. BORKAR, J.)