



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

35 WRIT PETITION NO. 4344 OF 2020

BAJIRAO DATTATRAY KARDILE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

AND
WRIT PETITION NO. 3875 OF 2020

AMBIR ABDUL SHAIKH
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

AND
WRIT PETITION NO. 4157 OF 2020

DATTU DADARAM RAUT
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

AND
WRIT PETITION NO. 4184 OF 2020

SADASHIV APPA RAUT
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

AND
WRIT PETITION NO. 4154 OF 2020

JALINDAR RAMA JANBHARE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

AND
WRIT PETITION NO. 3926 OF 2020

APPA BHANUDAS SAYKAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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...

AND

WRIT PETITION NO. 2249 OF 2020

AMBADAS LAXMAN BACHATE

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

AND

WRIT PETITION NO. 3713 OF 2020

PARAJI ANANDRAO PANSARE

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

AND

WRIT PETITION NO. 3874 OF 2020

SATISH SUBHEDAR GAWADE

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

AND

WRIT PETITION NO. 3927 OF 2020

BALU GANGARAM GAWADE

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

AND

WRIT PETITION NO. 4151 OF 2020

RAGHUNATH BHAGWAT SAYKAR

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

AND

WRIT PETITION NO. 2248 OF 2020

GAUTAM LAXMAN BACHATE

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

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AND
WRIT PETITION NO. 4155 OF 2020

KISAN SADHU SAYKAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
AND
WRIT PETITION NO. 2250 OF 2020

ASHRU DHARMA BHUJBAL
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

AND
WRIT PETITION NO. 4158 OF 2020

KANTILAL JANARDHAN SARODE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Advocate for the Petitioners : Mr. P. V. Barde
AGP for Respondents-State : Ms. A. S. Mantri

CORAM : MANJUSHA DESHPANDE, J.

Dated : March 17, 2025

PER COURT :-

1. Writ Petition No. 4158 of 2020 not on Board. Taken on Board.
2. This group of writ petitions have been filed challenging the communication dated 09.05.2018 issued by the Deputy

Commissioner for Labour, Nashik Division, Nashik. It is the contention of the petitioners that they were working with the respondent as Labour for some period. But without following any procedure of law, petitioners were illegally terminated. Being aggrieved by the order of termination, petitioners had raised Industrial Dispute and on failure of conciliation proceedings, the matter was referred to the Labour Court, Aurangabad.

3. It is the contention of the petitioners that in the reference filed by the respective petitioners, the reliefs of reinstatement with full back wages and continuity in services were prayed for. The Labour Court, Aurangabad, was pleased to reject their Reference, against which the petitioners had approached this Court by filing individual writ petitions. The writ petitions were decided vide common judgment and order dated 10.04.2013. This Court has allowed the writ petitions by granting Rs. 40,000/- by way of compensation in claim of reinstatement.

4. Being aggrieved by the order of this Court, the petitioners had approached the Hon'ble Supreme Court by filing Special Leave Petition. The petition filed by the petitioners has been disposed of by Hon'ble Apex Court on 11.09.2015 by enhancing the compensation in lieu of reinstatement granted to the petitioner to tune of Rs.

1,00,000/- which was against full and final settlement of the claim of the respective petitioners. After the decision of Hon'ble Supreme Court, the petitioners have already received the amount of enhanced compensation.

5. It is the contention of the petitioners that though they have received the compensation amount which has been granted by the Hon'ble Supreme Court, however, the issue regarding benefit of permanency remained to be adjudicated. It is the contention of the petitioners that they are entitled for permanency benefit as per Kalelkar Award. Therefore, under the provisions of Industrial Disputes Act, demand notice was issued on 16.05.2016.

6. Upon receipt of the demand notice, the Conciliation Officer had called upon respective petitioners to submit their representation. Accordingly, the detailed representation was submitted before the Conciliation Officer, by demonstrating their right to get permanency benefit. In response to their representation, the claim of the petitioners have been rejected by the Deputy Commissioner, Nashik by the impugned communication.

7. The said communication is challenged in this present writ

petitions on the ground that it is not within the jurisdiction of Conciliation Officer to reject the representation of the petitioner. Since the termination is held to be illegal, the petitioners' right to get the permanency benefit as per Kalelkar Award is required to be adjudicated. Therefore, refusal of adjudication by the Conciliation Officer is illegal.

8. It is the contention of the petitioner that subject matter of the present petition is different from the subject matter of the earlier proceedings. Therefore, the order passed by the Deputy Commissioner for Labour, Nashik requires to be interfered with.

9. Per contra, learned AGP submits that though in earlier proceedings, the claim of the petitioners was regarding reinstatement and continuity in services, however, the prayer which was made by the petitioners was not capable of being entertained. This Court has granted the compensation of Rs. 40,000/- in lieu of the reinstatement. It was further enhanced by the Hon'ble Apex Court to Rs. 1,00,000/-. Hence, the Deputy Commissioner, Nashik has properly taken into consideration the earlier orders passed by this Court as well as the Hon'ble Supreme Court. Therefore, it does not deserve any interference.

10. I have heard respective parties. After perusing the entire record, it reveals that the communication issued by the Deputy Commissioner has been challenged in this group of writ petitions. It is apparent that the petitioners had claimed reinstatement with back wages, against which the petitioner had raised an industrial dispute. After taking into consideration that there was huge delay in approaching the Court and the termination was without complying with the provisions of Section 25A of the Industrial Disputes Act, the compensation was granted by this Court in lieu of reinstatement.

11. Relying on the catena of decisions which are pressed into service by the respective parties, this Court has passed an order granting compensation in lieu of reinstatement. Considering the period of services undergone by the respective parties and after taking into account the delay caused in approaching for conciliation, this Court has granted compensation of Rs. 40,000/- in lieu of reinstatement which was further enhanced by the Hon'ble Apex Court to Rs. 1,00,000/- to each of the petitioner.

12. It is pertinent to note that while deciding the respective appeals filed by the petitioners, the Hon'ble Apex Court has observed

that the amount of Rs. 1,00,000/- shall be payable to each of the appellants as full and final settlement towards all the claims including the claim of interest. While passing the said order, the Hon'ble Apex Court has made it clear that the order is passed taking into consideration the peculiar facts and circumstances of the case.

13. In view of the above, by passing the order, the Hon'ble Apex Court has held that the compensation is awarded as full and final settlement of all the claims of the petitioner. Therefore, any other subsequent claim made by the petitioner was not capable of being entertained. The petitioners have raised dispute by issuing demand notice as per the provisions of Industrial Disputes Act, but it needs to be appreciated that the claims of the petitioners for reinstatement with full back wages and continuity in services, has already been settled by Hon'ble Supreme Court. Therefore, there is no question of entertaining any claim of permanency benefit when reinstatement itself was denied by compensating it in terms of monetary benefit.

14. Therefore, the Deputy Commissioner for Labour, Nashik, after taking into consideration the orders passed by this Court as well as Hon'ble Supreme Court, has observed that, the claim of the

petitioner seeking regularisation can not have been entertained. The industrial dispute which was raised by the petitioner has attained finality by the order of Hon'ble Apex Court.

15. In view of the above, I do not find that there is any case made out for causing interference in the impugned communication issued by the Deputy Commissioner for Labour. Hence, all the writ petitions stand dismissed.

16. All the writ petitions stand disposed of.

(MANJUSHA DESHPANDE, J.)

Omkar Joshi