



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

920 WRIT PETITION NO. 3582 OF 2023

SHIVANAND TRIMBAK UDAGE

VERSUS

MSRTC DIVISIONAL OFFICE THROUGH DIVISIONAL CONTROLLER

Mr. G. N. Kulkarni, Advocate for the Petitioner

Mr. A. D. Wange, Advocate for the Respondent

CORAM : SIDDHESHWAR S. THOMBRE, J.

DATE : 11th DECEMBER, 2025

P. C. :-

1. Heard Mr. Kulkarni, learned counsel for the petitioner.
2. The petitioner challenges the order dated 21.01.2023 passed by the learned Member, Industrial Court, Latur in Revision ULP No. 18/2022 below Exhibit O-5, whereby the revision filed by the Respondent herein came to be partly allowed.
3. Learned counsel for the petitioner submits that the Labour Court while directing the back wages, considered the specific date i.e. the date of reinstatement 29.05.2017 and therefore, 100% back wages were awarded from the date of termination i.e. from 12.12.2014 till 29.05.2017. He further

submits that before the Labour Court, the Corporation has not placed any record about the offering the appointment order dated 06.08.2015 and therefore only on the oral evidence, the Corporation has tried to point out that the alternate appointment order was offered on 06.08.2015, but this aspect was not proved by the Corporation before the Labour Court. Therefore, the Labour Court granted 100% wack wages.

4. Per contra, Mr. Wange, learned counsel for the respondent submits that in fact, before the Labour Court entire correspondence was also placed on record. He submits that even the appointment order was sent through RPAD and the same was endorsed by the wife of the petitioner and the said correspondence is already placed before the Labour Court and the Labour Court without considering this material, proceeded to award the back wages. Therefore, the Industrial Court has rightly modified the order.

5. I have gone through the order passed by the Labour Court as well as the order of the Industrial Court. It is clear that though the RPAD record was placed before the Labour Court, the learned Labour Court, without referring to the said record,

observed that the Corporation had attempted to show through oral evidence that the order was served but that was not considered. On the contrary, while considering the revision filed by the Corporation, the learned Industrial Court recorded a finding that the order has been served through RPAD and further observed that all the correspondence was placed before the learned Labour Court. But without considering the same, the Labour Court passed the impugned order and therefore, the learned Industrial Court modified the order to that extent.

6. Considering the material available on record and the observations made by the learned Industrial, I find that Industrial Court has taken reasonable view and therefore, I am not inclined to interfere with the order dated 21.01.2023 passed by the learned Member, Industrial Court, Latur in Revision ULP No. 18/2022 below Exhibit O-5 under Article 227 of the Constitution of India.

7. Hence, petition stands dismissed. No order as to costs.

(SIDDHESHWAR S. THOMBRE, J.)

ssp