

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 11828 OF 2021

Indubai Bhanudas Pashan

VERSUS

Social Forestry Department Through Its Deputy Director

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Advocate for the Petitioner : Mr. Parikshit S. Mantri h/f Mr. Barde
Parag Vijay

AGP for Respondent/State : Mr. K.B. Jadhavar

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CORAM : S. G. CHAPALGAONKAR, J.

DATED : JUNE 27, 2025

PER COURT :-

1. The petitioner was appointed as daily wager since December 1986. Ultimately, her services were discontinued/terminated w.e.f. 01.02.1993. Eventually, petitioner submitted statement of claim in industrial dispute before Labour Court at Ahmednagar. Accordingly, the Labour Court passed an award in Reference (IDA) No.06 of 2016 holding that oral termination of petitioner dated 01.02.1993 was illegal and against provisions of law. Accordingly, the monetary compensation of Rs.1,50,000/- was directed to be paid to petitioner within two months from the date of publication of award. The learned Labour Court assessed the compensation @ Rs.30,000/- per year for service of about five years rendered by petitioner.

2. Learned advocate appearing for petitioner relies upon catena of judgments delivered by this Court as well as the Hon'ble

Supreme Court and particularly order dated 25.02.2025 passed in Writ Petition No.5338 of 2020 in case of **Draupadabai Kisan Dalvi Vs. Social Forest Department, Ahmednagar through its Deputy Director** and submits that in similar set of facts, this Court quantified compensation @ Rs.50,000/- per year. The petitioner is also entitled for similar benefit.

3. It is not in dispute that in Reference (IDA) No.06 of 2016, the Labour Court accepted petitioner's case and declared that her oral termination was illegal. However in lieu of reinstatement, continuation of services or back-wages, monetary compensation is awarded. In case of Draupadabai (supra), the petitioner/employee was similarly situated. Even she had rendered services for same term i.e. from 1986 to 1993. In that case also, the Labour Court had assessed monetary compensation @ Rs.30,000/- per year. In those facts, relying upon judgment of Hon'ble Supreme Court in case of **State of Uttarakhand and Another Vs. Raj Kumar¹, Divisional Controller Maharashtra State Road Transport Corporation Vs. Kalawati Pandurang Fulzele²**, and in case of **Bhavnagar Municipal Corporation etc. Vs. Jadeja Govubha Chhanubha and Another³**, this Court enhanced the compensation and assessed @ Rs.50,000/- per year.

1 2019 (5) Mh.L.J. 10

2 2022 (22) ALL M.R. 460

3 2015 AIR (SC) 609

4. In that view of matter, this Court finds that same course can be followed in present case. Accordingly, writ petition is allowed by modifying judgment and award dated 30.10.2018 passed by Labour Court, Ahmednagar in Reference (IDA) No.06 of 2016 by directing respondent to pay compensation in lieu of reinstatement to petitioner @ Rs.50,000/- per year instead of Rs.30,000/- per year towards five year service as fixed by Labour Court.
5. Amount already paid to petitioner shall be appropriated and balance amount be released in favour of petitioner within a period of 12 weeks from today.
6. Writ Petition stands disposed of in aforesaid terms.

(S.G. CHAPALGAONKAR, J.)