



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 11449 OF 2016

Suresh Deoram Sable
VERSUS
Grampanchayat Through Its Sarpanch

- Mr. P. V. Barde, Advocate for the Petitioner
- Ms. K. S. Bhale, Advocate for the Respondent

CORAM : R. M. JOSHI, J
DATE : SEPTEMBER 15, 2025

PER COURT :

1. By consent of both sides, heard finally at the stage of admission.
2. This Petition takes exception to the denial of back wages to the Petitioner in Reference (IDA) No. 46/2012 by impugned order dated 07.09.2015.
3. Parties are referred to as 'Workman' and 'Grampanchayat' for the sake of convenience.
4. Workman raised reference in respect of his termination effected from 10.04.2008. After failure of conciliation, reference was made to the Labour Court and it was registered as Reference IDA No. 46/2012. Workman filed statement of claim, which came to be

opposed by the Grampanchyat. After framing of the issues, both parties led evidence. Learned Labour Court held that the termination of the workman is illegal and granted reinstatement with continuity of service with effect from 10.04.2008 but without back wages.

5. Perusal of the impugned order indicates that back wages were denied in view of the fact that no evidence was led by the workman of not being gainfully employed.

6. Learned Counsel for the Petitioner attempted his best to convenience this Court to cause interference in the impugned order and for granting back wages to the workman.

7. Learned Counsel for Respondent supported the impugned order.

8. The law on the point of grant of back wages is settled to say that initial burden is on the workman at least to make a statement before the Court at first instance that he is not gainfully employed, in order to shift onus upon the employer to prove otherwise. Perusal of the statement of claims so also evidence on

record does not indicate that any statement with regard to gainful employment has been made by the workman.

9. In view of settled position of law with regard to the grant of back wages, no perversity is found in the impugned order. Hence, Petition stands dismissed.

(R. M. JOSHI, J.)