



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 14057 OF 2024

1. The Commissioner,
Aurangabad Municipal Corporation,
Aurangabad.
2. Officer, Zone No.4,
Kranti Chowk,
Aurangabad Municipal Corporation,
Aurangabad.
3. Officer, Zone No.3,
Kranti Chowk,
Aurangabad Municipal Corporation,
Aurangabad.

.....PETITIONER

(Orig. Respondent No.1, 2 & 3)

VERSUS

Narayan S/o Dhondiba Mhaske,
Age: 60 years, Occu: Labour,
R/o Bappu Nagar, Behind Statute of
Dr. Babasaheb Ambedkar,
Tq. & Dist. Aurangabad.

.....RESPONDENT

(Orig. Applicant)

Mr. G. P. Mapari and Ms. S. G. Mapari, Advocates for the
Petitioners

Mr. A. A. Nimbalkar, Advocate for Respondent-sole

CORAM : ROHIT W. JOSHI, J.

DATED : 20TH AUGUST, 2025

ORAL JUDGMENT :-

. The respondent in the present petition had filed a complaint before the learned Labour Court at Aurangabad being complaint U.L.P. No.108 of 2012, *inter alia* contending that he was appointed as Safai Kamgar with the petitioner/corporation in the year 1983 on monthly wages of Rs.1500/- and that his services were illegally terminated in the year 1999. He contends that he was continued as a temporary employee all throughout, although, he was entitled to permanency. It is contended that the termination of service of the respondent was not in accordance with law. In view of such pleadings, the respondent prayed for relief of reinstatement in service with all consequential benefits and back wages.

2. The petitioner/corporation filed written statement opposing the complaint contending that the respondent was working on a temporary post and the work performed by him was also of temporary nature. In that view of the matter, it was contended that the respondent was not entitled to any relief claimed by him.

3. The learned Labour Court has partly allowed the

complaint by granting compensation of Rs.12,750/- and cost of Rs.25,000/-. The compensation is computed on the basis of Section 25 (f)(b) of the Industrial Disputes Act, 1947. The learned Labour Court has observed that the monthly salary of the respondent was Rs.1500/- that he had put in 17 years of service, for which he was entitled to compensation at the rate of salary for 15 days for each year of service. The amount of compensation is worked out accordingly.

4. The petitioner/corporation has accepted the said judgment and has not challenged it further.

5. The respondent/employee preferred a revision before the learned Industrial Court being revision (ULP) No.6 of 2018. The learned Industrial Court has enhanced the amount of compensation to Rs.2,00,000/-. The learned Industrial Court has held that termination of services of the respondent/employee was illegal. The learned Industrial Court has observed that the relief of reinstatement in service could not be granted to the respondent/employee since he had already attained the age of superannuation. While computing the amount of compensation to be paid to the respondent, the learned Industrial Court has considered salary

of the respondent/employee to be Rs.5000/- per month. It is observed that the compensation should be computed for a period of 18 years from 1999 i.e. the year in which services were terminated till the year 2017 in which the respondent/employee attained age of superannuation. The learned Industrial Court has observed that compensation should be computed following the yardstick prescribed for computation of back wages and has held that the employee should be held entitled to 50 percent of back wages. The amount is fixed at Rs.2,00,000/-, observing that there was confusion with respect to the last wage drawn by the respondent/employee.

6. The learned Advocate for the petitioner/corporation contends that the learned Member of Industrial Court has transgressed the limits of his jurisdiction while entertaining the revision under Section 44 of the M.R.T.U. and P.U.L.P. Act. It is contended that the Industrial Court does not have jurisdiction to enhance the amount of compensation in exercise of revisional jurisdiction. The learned Advocate further contends that there was an inordinate delay in filing the complaint which is also not considered by the learned

Industrial Court. She further contends that the learned Industrial Court has rather granted premium to the respondent/employee by awarding interest on the amount of compensation.

7. The learned Advocate for the respondent/employee counters stating that the compensation awarded by the learned Industrial Court is grossly inadequate. He places reliance on judgment dated 28.11.2023, passed by this Court in Writ Petition No.2149 of 2011 (Aurangabad), wherein this Court has granted compensation @ Rs.1,00,000/- per year of completed service in similar set of facts. The learned Advocate therefore prays for dismissal of the petition.

8. It is undisputed that the respondent/employee was working as a Safai Kamgar with the petitioner/corporation for a period of around 17 years. His services have been terminated in the year 1999. The learned Member of the Industrial Court has found that the termination of services of the employee was illegal. However, relief of reinstatement in service is denied on the ground that he had attained the age of superannuation. The respondent/employee could have continued in service till the year 2017, if his services were not

terminated. He has been deprived of earning for a period of around 18 years. Having regard to the judgment in Writ Petition No.2149 of 2011, on which the learned Advocate for the respondent/employee has placed reliance, it appears that the compensation awarded is most moderate and reasonable. Although, the petitioner was working as a Safai Kamgar and the employee in the said petition was working on the post of Mustering Assistant, it must be noted that the petitioner had around 18 years of service left while his services were terminated. In view of the above, in the considered opinion of this Court, the judgment passed by the learned Industrial Court does not call for any interference with respect to computation of compensation.

9. As regards interest, the learned Industrial Court has awarded interest @6 percent per annum from the date of filing of the complaint till the realization of the amount. The complaint is filed in the year 2006 alongwith application for condonation of delay. The delay is condoned in the year 2012. Perusal of the record will indicate that the respondent/employee was making some representations from the year 1999, till the year 2006 when the complaint was

filed. The compensation computed also appears to be most moderate. In that view of the matter, this Court sees no reason to interfere with the discretion exercised by the learned Member of Industrial Court in awarding interest on the amount of compensation.

10. Writ Petition is therefore dismissed with no orders as to cost. The petitioner/corporation is directed to deposit the amount of compensation alongwith interest with this Court before 17.10.2025.

11. Civil Applications, if any, stand disposed of.

(ROHIT W. JOSHI, J.)