

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
WRIT PETITION NO.16408 OF 2023**

Divisional Controller
Maharashtra State Road Transport
Corporation (MSRTC), Kolhapur,
Through its Divisional Traffic Officer,
Near Central Bus Stand, New Shahupuri,
Kolhapur-416001.

..Petitioner

Versus

Shri Chandrakant Kalappa Patil,
Adult, Occ.: Nil,
R/at: Sundi, Taluka Chandgad,
District Kolhapur-416507.

..Respondent

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Mr. Yashodeep Deshmukh a/w Mr. Vidyasagar Chavan i/by Mrs. Vaidehi
Pradeep, Advocate for Petitioner.

Mr. M. S. Topkar a/w Mr. Bhargavi Patil a/w Mr. B. D. Manolkar and
Mr. Neev Patil i/by Mr. Saurabh Mandlik, Advocate for Respondent.

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**CORAM : S. G. CHAPALGAONKAR, J.
DATED : 20th NOVEMBER, 2025.**

FINAL ORDER:-

1. The petitioner takes exception to order dated 03.03.2023 passed by Industrial Court, Kolhapur in Revision Application (ULP) No.37/2022, thereby upholding order dated 12.05.2022 passed by Labour Court, Kolhapur in Complaint (ULP) No.110/1995 to the extent of granting 50% back-wages to respondent and consequential benefits.

2. The respondent herein was employed as driver with Corporation. On 02.06.1994, while respondent was on duty, bus driven by him met with an accident with Tempo causing 9 deaths. The respondent was subjected to Departmental Enquiry and his services were terminated

w.e.f. 21.05.1995. The respondent assailed his termination before Labour Court, who pleased to set aside termination order and directed reinstatement of respondent with 50% back-wages. The petitioner-Corporation filed Revision against order of Labour Court, which is ultimately dismissed.

3. Mr. Yashodeep Deshmukh, learned Advocate appearing for petitioner would submit that respondent was out of employment for years together. Admittedly he was getting alternate employment, hence, there was no reason to grant back-wages @ 50%.

4. Mr. Topkar, learned Advocate appearing for respondent supports impugned order.

5. Having considered submissions advanced by learned Advocates appearing for respective parties, it can be observed that Labour Court declared that petitioner-Corporation has engaged in unfair labour practices under Item-1 (a), (b), (d), (f) and (g) of Schedule-IV of MRTU & PULP Act, 1971. Accordingly, dismissal order passed against respondent was quashed and set aside with direction to reinstate respondent with 50% back-wages. The Corporation accepted order of Labour Court to the extent of reinstatement of employee with continuity of service. However, challenged grant of back-wages @ 50%.

6. The Labour Court as well as Industrial Court considered issue of back-wages. The respondent has filed evidence by way of affidavit before Labour Court and submitted that he tried to secure alternate employment, but could not get the same. He had small piece of agriculture land and during crushing season, he used to have partial casual employment. In light of aforesaid evidence, Labour Court found it appropriate to grant 50% back-wages. Although dismissal of employee has been held to be illegal and quashed and set aside, in Revision Application filed by petitioner-Corporation, Industrial Court has again applied mind to factual aspect of case and found that almost 22 years respondent was out of employment. However, since there is material to indicate that he had casual employment at some point of time, grant of back-wages @ 50% was justified. This Court finds that both Courts below have rightly applied legal principles governing grant of back-wages and rightly ordered Corporation to pay the same @ 50%. This Court do not find any reason to interfere in impugned order under Article 227 of Constitution of India. Hence, Writ Petition stands dismissed.

(S. G. CHAPALGAONKAR)
JUDGE