



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH

WRIT PETITION NO. 2007 OF 2013

Chandrakumar Munnalal Kunjam,
aged about 37 years, Occ. Labour,
R/o At & PO Gonditola,
Tah. and Dist. Gondia, Maharashtra.

...PETITIONER

Versus

1] The Telecom District Manager,
Sanchar Nigam Limited, Sanchar Bhavan,
Bhandara – 441904.

2] Central Government Industrial Tribunal – cum – Labour
Court, Nagpur, First Floor, M.S. Building,
Civil Lines, Nagpur – 440001.

...RESPONDENTS

Mr. S.N. Tapadia, Counsel for the petitioner.
Ms Usha Tanna, Counsel for respondent no.1.

CORAM : ANIL L. PANSARE, J.

DATE : APRIL 22, 2025

ORAL JUDGMENT :

Heard.

2] The petitioner – employee is aggrieved by award dated 16/7/2012 passed by the Presiding Officer, Central Government Industrial Tribunal (CGIT) – cum – Labour Court, Nagpur, in Case No. CGIT/NGP/63/2001, thereby directing the respondents to pay compensation of Rs.70,000/- in lieu of

reinstatement. According to the petitioner, once CGIT has rendered a finding that termination was illegal, the order of reinstatement ought to have been followed.

3] During the course of argument, the learned Counsel for the petitioner has restricted his prayer to enhancement of compensation in the light of the judgments passed by the Hon'ble Supreme Court in the case of *Ranbir Singh Vs. Executive Engineer PWD [(2021) 14 SCC 815]* and in the case of *Bharat Sanchar Nigam Limited Vs. Bhurumal [(2014) 7 SCC 177]*. In the said cases, the Supreme Court has considered time gap between order of termination and award/judgment passed by the trial Court, and was pleased to award compensation in lieu of reinstatement.

4] In the present case as well, the CGIT has considered the judgment of the Supreme Court in the case of *Incharge Officer Vs. Shankar Shetty [(2010) 9 SCC 126]* to render a finding that instead of reinstatement, the petitioner should be compensated by awarding monetary relief.

5] In *Ranbir Singh (supra)*, the employment was for the period from the year 1983 to 1991. The Supreme Court

modified the award by enhancing the compensation amount from Rs.25,000/- to Rs.3,25,000/-. In *Bhurumal's* case, the employment was for the period from 2001 to 2002. The Supreme Court referred to its earlier judgment in the case of *BSNL Vs. Man Singh [(2012) 1 SCC 558]*, wherein the Court granted compensation of Rs.2,00,000/- to each workman when they had worked for merely 240 days, and considering the facts of the case before it, where the employment continued for couple of years, the Supreme Court was pleased to award compensation of Rs.3,00,000/-.

6] To my mind, the consistent view taken by the Supreme Court will have to be followed. The petitioner herein has worked for about six years, i.e., from 1/12/1994 to 30/8/2000. In the circumstances, amount of Rs.2,00,000/-, as compensation in lieu of reinstatement, appears to me to be adequate.

7] As such, the learned Counsel for respondent no.1 submits that the petitioner was appointed on contractual basis, and on conclusion of contract, his services automatically stood terminated and, therefore, there is no question of illegal

termination. However, the CGIT has held, on the basis of evidence, that the petitioner had completed 240 days of work in the preceding twelve calendar months of the date of his termination, i.e., 30/8/2000 and, therefore, termination of service without compliance of mandatory provisions under Section 25F of the Industrial Disputes Act, 1947, would be illegal.

8] That being so, and considering the time gap from the date of termination till the order of award, which was passed in the year 2012, purpose will be served if the amount of compensation is modified to Rs.2,00,000/-. Order accordingly. Rest of the order passed by the CGIT is kept intact.

9] The respondents shall pay the amount of compensation within eight weeks from today.

10] The petition is disposed of in above terms. Rule is disposed of in the aforesaid terms. No costs.

JUDGE

Sumit