



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.5657/2021

Himmat Uttamrao Kute

...Versus...

The Station Director, Prasar Bharti Board Casting Corporation India, Yavatmal

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Mr. R.N. Sen, Advocate for petitioner
Mr. C.J. Dhumane, Advocate for respondent

CORAM : ROHIT W. JOSHI, J.

DATE : 19/11/2025

1. The present petition is filed challenging the award dated 20/12/2017, passed by the learned Presiding Officer, Central Government Industrial Tribunal-Cum-Labour Court, Nagpur in Reference No.CGIT/NGP/14/2013.

2. The said proceeding arose on a reference being made by the Central Government under Section 10 of the Industrial Disputes Act, 1947 (for short hereinafter to as "I.D. Act") at the instance of the petitioner. The claim of the petitioner is that he was working as a labourer with the respondent continuously since the year 1990 and was performing the work of sweeping the office, attending officers, serving tea, water etc. during the office hours. The petitioner was drawing wages @ Rs.154/- per day. The services of the petitioner were discontinued on 20/10/2011 without following the procedure prescribed under Section 25-F and 25-G of the I.D. Act.

3. The respondent contested the matter contending that the petitioner was not a permanent employee of the respondent. They denied that the petitioner has rendered services continuously for a period of around 21 years as contended by the petitioner. Based on rival pleadings, evidence was led before the learned Tribunal. The learned Tribunal has arrived at a finding that the petitioner was working as a part-time labourer with the respondent from 1990 up to 20/10/2011 when his services were discontinued. It is, however, held that the petitioner has failed to prove that he was appointed against a clear vacancy. Having held so, the learned Tribunal also held that the termination of the petitioner was not in accordance with law. In the backdrop of the aforesaid, the learned Tribunal also found that the petitioner was to attain age of 60 years on 07/12/2018, which is the age of superannuation for the Central Government employee. In the light of such finding, the learned Tribunal has awarded compensation of Rs.1,00,000/- to the petitioner in lieu of relief of reinstatement.

4. Mr. Sen, learned Advocate for the petitioner contends that the amount of compensation awarded is too meagre having regard to the fact that the petitioner has rendered 21 years of service with respondent. Mr. Sen, states that the fact that the petitioner was drawing wages @ Rs.154/- per day is duly established and that having regard to the aforesaid, compensation of Rs.10,00,000/- at least should have been awarded.

5. Per contra, Mr. Dhumane, the learned Central Government Counsel for the respondent justifies the order and states that since the petitioner was not working on any sanctioned post and had only seven years of service left, even if, he was appointed as a regular employee, the amount of compensation awarded is justified.

6. Having regard to totality of circumstances, in the considered opinion of this Court, learned Tribunal should have taken into consideration the fact that the petitioner has rendered unblemished service of around 21 years, although it may not be against any sanctioned post. The services of the petitioner were terminated for no justifiable reason and as recorded by the learned Tribunal in breach of statutory provisions. The petitioner had seven years of service remaining. The annual salary of the petitioner was to the tune of Rs.48,000/- approximately.

7. In view of the aforesaid, in the considered opinion of this Court, amount of compensation should be enhanced to Rs.3,00,000/-, which is approximately the amount of wages that the petitioner would have earned, if he was continued in employment. This Court is inclined to grant compensation that is appropriately equal to wages that the petitioner would have earned since the salary was not paid in the scale and was a meagre amount of Rs.154/- per day.

8. Writ Petition is partly allowed by enhancing the amount of compensation from Rs.1,00,000/- to Rs.3,00,000/-

(Rupees Three Lakhs Only). The amount of compensation, excluding the amount of compensation already paid, if any, be paid to the petitioner on or before 20/12/2025, failing which, interest @ 6% per annum will be payable on the enhanced amount of compensation from 21/12/2025 and onwards till the date of payment of compensation.

9. No order as to costs.

(ROHIT W. JOSHI, J.)

Wadkar