

**IN THE SUPREME COURT OF INDIA**  
**CIVIL APPELLATE JURISDICTION**  
**CIVIL APPEAL NO. 1702 OF 2019**  
**(Arising out of SLP (C)No. 17723 of 2016)**

**THE STATE OF MAHARASHTRA & ORS. ... Appellant(s)**

**VERSUS**

**NATHA PIRAJI INGOLE ... Respondent(s)**

**WITH**

**CIVIL APPEAL NO. 1704 OF 2019**  
**(Arising out of SLP(C) No. 15363 of 2017)**

**CIVIL APPEAL NO. 1703 OF 2019**  
**(Arising out of SLP(C) No. 17724 of 2016)**

**O R D E R**

Leave granted.

In the present case, admittedly, the respondents had worked only from 1978-1987. They woke up in the year 2010, i.e., 23 years later and moved the Labour Court which obliged them by granting them reinstatement without backwages. Delay was specifically argued and turned down on the ground that backwages were not granted, which is why, delay will not come in the way. In the writ petition that was filed by the State, delay was again put in the forefront but, without any finding thereon, the writ petition was dismissed.

We are of the view that after such an inordinately long delay there is no question of reinstatement. The Labour

Court has given a perverse finding when it stated that delay would be no bar as backwages are not given. Delay was a bar to any kind of relief and not merely backwages. Equally, the High Court in ignoring the plea of delay, failed to exercise the jurisdiction vested in it.

Consequently, we set aside the judgment of the Courts below and allow the appeals.

....., J.  
[ ROHINTON FALI NARIMAN ]

....., J.  
[ SANJAY KISHAN KAUL ]

New Delhi;  
February 15, 2019.

ITEM NO.42

COURT NO.6

SECTION IX

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No. 17723/2016

(Arising out of impugned final judgment and order dated 15-01-2016 in WP No. 3505/2015 passed by the High Court of Judicature at Bombay at Nagpur)

THE STATE OF MAHARASHTRA & ORS.

Petitioner(s)

VERSUS

NATHA PIRAJI INGOLE

Respondent(s)

WITH

SLP(C) No. 15363/2017 (IX)

SLP(C) No. 17724/2016 (IX)

Date : 15-02-2019 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN  
HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

For Petitioner(s)

Mr. Nishant Ramakantrao Katneshwarkar, AOR

For Respondent(s)

Ms. Nidhi, AOR

Mr. Amol B. Karande, AOR

UPON hearing the counsel the Court made the following  
O R D E R

Leave granted.

The appeals are allowed in terms of the signed order.

Pending applications, if any, stand disposed of.

(NIDHI AHUJA)  
COURT MASTER (SH)

(HARI SWAROOP PARASHER)  
ASSISTANT REGISTRAR

[Signed order is placed on the file.]