



NON-REPORTABLE

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

CIVIL APPEAL NO..... OF 2026
(@Special Leave Petition (Civil)No.21724 of 2022)

BALAJI MADHUKAR KONKANWAR ...APPELLANT(S)

VERSUS

MAHARASHTRA STATE ROAD
TRANSPORT CORPORATION ...RESPONDENT(S)

J U D G M E N T

SANJAY KAROL J.,

Leave granted.

2. The appellant-employee is aggrieved by the final judgment and order dated 01st August 2022 passed by the High Court of

Judicature at Bombay (Nagpur Bench) in Writ Petition 299 of 2022 whereby an order of the Labour Court, Chandrapur in IDA Case No.10 of 2016 dated 14th January 2020 granting back wages to him for the period October 1993 till 20th January 2011 along with 12% interest per annum was set aside.

3. The facts triggering this appeal as laid out by the Courts below are that:

(i) The appellant-employee was appointed as a Cleaner in the Chandrapur Division of the respondent on 1st April 1993 with a monthly salary of Rs.500. He worked on such position till 20th May 1994, continuing as a daily wage worker. He was terminated orally. The Labour Commissioner, on an application made by him ordered reinstatement and back wages, however the same was not complied with. Thereafter, he approached the Labour Court, Maharashtra, Chandrapur, in terms of Matter No. Reference (IDA)4/95. It was found that the termination of the appellant-employee was illegal and improper and as such he was entitled to reinstatement with continuity of service and back wages.

(ii) The respondent approached the High Court in Writ Petition no.4738 of 2002, wherein by an interim

order dated 2nd May 2003 granting relief against reinstatement was denied and the amount of back wages directed to be deposited before the Court. Accordingly, he was taken back into service as a daily wager on 23rd June 2003.

(iii) In 2004, the appellant-employee approached the Industrial Court, seeking regularisation with effect from the day he completed 180 days of service. In deciding complaint (ULP)No.86/2004 the Industrial Court Maharashtra, Chandrapur Bench, Chandrapur *vide* order dated 12th January 2007 partly allowed the petition directing regularisation of his services, with effect from the date of completion of 180 days service against a clear vacancy as provided under Clause 19(1) of the Settlement, 1985.

(iv) The respondents for reasons best known to them still refused to comply with the orders until one fine day on 22nd January 2011 when he was taken into service on a sanctioned post of Cleaner (Junior) as a regular employee. It has to be noted however that in the intervening period certain other persons were taken into service in the Selection Boards convened during this time.

(v) On 11th June 2013, the High Court in Writ Petition 3720 of 2011 titled as '*Maharashtra State Road Transport Corporation vs. Kisan Narayanrao Kale & Anr.*' ordered that respondent therein, who was an Electrician was entitled to regularisation from the date he completed 180 days of service, agreeing with the finding of the Industrial Court, in that case. On the strength of this order, the appellant-employee sought similar relief in 2016 seeking regularisation w.e.f. 1993. It was also noticed that in Writ Petition No.4738 of 2002 wherein interim order referred to above was passed, came to be dismissed on 23rd December 2013.

(vi) The Labour Court in IDA Case No.10/2016 decided on 14th January 2020, granted the relief of back wages for the period October 1993 to 20th January 2011-from the date he was eligible for regularisation till the day he was actually regularised. The impugned judgment set aside this order and aggrieved thereby, the appellant-employee has carried the matter in appeal before us.

4. What we are required to decide, therefore, is whether the appellant-employee is entitled to back wages from October 1993 or from the date of his actual regularisation in 2011. In opposing this position, the respondents submit that once the appellant-

employee has signed on a dotted line accepting regular employment from a particular date, it is not open for him to seek benefits thereof from a prior date.

5. We cannot accept such a submission. It is a matter of record that the appellant-employee had already completed 180 days prior to being unceremoniously relieved of his employment. Equally true it is that right from then on to this day he has been engaging in one battle or another seeking to get what he believes rightfully to be his. Still further, as a consequence of the recourse to the law taken by him, he has rendered continuous service since 2003. This being the situation, the doctrine of estoppel cannot grant a shield to the respondent, saving them from paying the appellant's hard-earned dues-money, which is not just handed out but given as compensation for the services rendered.

6. The Industrial Court had, almost 19 years ago ordered that the appellant-employee was entitled to back wages w.e.f. the date of completion of 180 days. The latter had preferred the contempt petition against the non-compliance of this order which was eventually withdrawn on the assurance that he would be regularised. He was regularised as already observed, in 2011. The findings in this order were not challenged and have thus attained finality. Though the order of the Industrial Court in 2020 implicitly recognises this fact but the High Court in the impugned order, completely misses the same. At this stage we must take

note of the appointment letter given to the appellant-employee when he was regularised in 2011. It says:

“Thus you are posted S.T. Chimur Depot on Cleaner (Junior) post on the payscales of Rs.2090-2989. So, you join duty at the Depot Manager S.T. Chimur urgently. You will be regularised after completion of 5 yrs. Satisfactory service and thereafter considering misconducts record and percentage of absenteeism.”

We ask ourselves a question when the Industrial Court in 2007 had already directed regularisation from the date of completion of 180 days and as already observed the said condition was not challenged, how was it open for the respondent to put on to the appellant-employee the condition reproduced above that he would be regularised only after the completion of a further five years in service? If this is not a use of unequal bargaining power that the respondent, as the employer had over the former then, we do not know what may qualify as such.

7. In that view of the matter, we hold that the High Court erred in setting aside the order of the Industrial Court passed in 2020 granting the appellant-employee compensation to the tune of Rs.8,09,218/- as back wages from October 1993 till 20th January 2011. As such, the impugned order is set aside. The appeal is allowed. However, given due consideration to the financial implications of an order imposing 12% interest w.e.f.

October 1993, we reduce the interest component to 8%. Ordered accordingly.

8. Learned Counsel for the appellant-employee shall furnish, to his counterpart for the respondent the bank details of his client within one week of this judgment and the amount along with accrued interest shall be paid to him within eight weeks failing which the original condition of 12% shall stand revived.

9. In the attending facts and circumstances, we award Rs.1,00,000/- (Rupees One lakh Only) as litigation cost to the appellant-employee.

Pending application(s) if any shall stand disposed of.

.....**J.**
(SANJAY KAROL)

.....**J.**
(NONGMEIKAPAM KOTISWAR SINGH)

New Delhi;
April 20, 2026