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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 5636 OF 2011

THE MANAGER, HOTEL RAJDOOT THR. OWNER AJEETSINGH
RAGHUVARSINGH NIRH
VERSUS
SOPAN SUKANT ROY

...

Advocate for Petitioner : Mr.G.N.Kulkarni h/f Mr.Karkare S.D.

Advocate for Respondents : Mr.Patil Vinod Prakash.

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 19th June, 2015

Per Court:

1 This Court had passed an order on 13.10.2014 as follows:-

- “1. In pursuance to the offer made by the petitioner recorded in the order of this Court dated 19/09/2014, Mr.Patil, learned Advocate appearing on behalf of the respondent submits that the respondent has no other source of income and is a poverty stricken person. He would be satisfied if an amount of Rs.2,50,000/- including the amount of Rs.1,25,000/- deposited in this Court is paid to him as a full and final comprehensive settlement between the parties. Mr.Kulkarni, learned Advocate for the petitioner seeks a short accommodation to take instructions and make a statement on the next date.
- 2 Stand over to 12/11/2014 to enable the petitioner to make a statement.
- 3 The learned Advocate for the respondent prays that in view of the length of litigation between the parties and in view of the respondent being

unemployed for a long time, he needs to be permitted to withdraw an amount of Rs.75,000/-. The respondent is willing to submit an undertaking through an affidavit to this Court that in the event the petition is allowed, he would return the said amount within a period of 2 (two) months thereafter. Learned Advocate for the petitioner strongly opposes this request.

4 Looking at the pendency of this litigation between the parties and the fact that the respondent has been awarded reinstatement with continuity and back wages, ends of justice would be met by allowing the respondent to withdraw 50% of the amount deposited in this Court by the petitioner subject to the following conditions :-

(a) The respondent shall file an affidavit containing an undertaking that the said amount would be returned within a period of 2 (two) months from the date of the order of this Court, in the event the petition is allowed.

(b) He shall submit a self-attested copy of his Election Identity Card as well as self-attested copy of his address proof while withdrawing the said amount.

(c) He shall submit his mobile number to this Court and shall undertake to submit the detailed address of residence, in the event the said address is changed during the pendency of this petition.”

2 Today, Mr.Patil, learned Advocate for the Respondent/ Employee, on instructions, submits that the Respondent is willing to scale down his request and accept the amount of Rs.2,25,000/- as a full and final settlement of all dues arising out of employment and his non employment. The Respondent thereafter, would not raise any claim under any Act, law, statute or Rules before any authority or the Court against the Petitioner.

3 Mr.Kulkarni, learned Advocate for the Petitioner, has taken instructions and submits that the Petitioner is willing to deposit an amount of Rs.1 lac on or before 14.08.2015 in this Court. Thereafter, the Respondent can be at liberty to withdraw the total amount of Rs.2,25,000/- as Rs.1,25,000/- has already been deposited by the Petitioner in this Court. He submits that after the Respondent takes the entire amount of Rs.2,25,000/-, no claim of any nature whatsoever be raised by or on behalf of the Respondent against the Petitioner/Management.

4 Mr.Patil, on the basis of the instructions received from the son of the Respondent who is authorized by the Respondent and who is present in the Court today, is agreeable to the above payment and submits that the Respondent shall be bound by the said statement.

5 In the light of the above, this Writ Petition is partly allowed as under:-

- (a) The impugned judgment and order dated 29.08.2009 delivered in Reference (IDA) No.1/2002 by the Labour Court stands modified. The award of reinstatement with continuity and 50% back-wages is converted into a lumpsum payment of

compensation of Rs.2,25,000/- (Rupees Two Lacs Twenty Five Thousand).

- (b) The Respondent/ Second Party Workman shall not raise any claim of any nature whatsoever either by himself or through his assignees or representatives before any court or authority under any Act / Law / Regulation against the Petitioner/ Management or the owner of the Petitioner Establishment.
- (c) The compensation shall include all benefits payable to the Respondent on account of his employment and non employment with the Petitioner.
- (d) After the Petitioner deposits an amount of Rs.1 lac on or before 14.08.2015, the Respondent shall withdraw the entire amount i.e. Rs.2,25,000/- without any condition by producing a self attested copy of his Election Identity Card and his address proof.

(RAVINDRA V. GHUGE, J.)