

Sequeira

*IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION*

WRIT PETITION NO. 7642 OF 2000

Shri Vasant Shrikrishna Palsule,
R/o. 155/156, Budhwar Peth, Madhavnagar
District Sangli.

.. Petitioner

V e r s u s.

Pushpam Synthetics Pvt. Ltd.,
L-30, M.I.D.C., Kupwad, Sangli 416 415
through

1. Shri Maneklal Hargovinddas Shah.
(since deceased)
2. Shri Kaushik Maneklal Shah
3. Shri Pushpa Maneklal Shah

All R/o 1 Rekha, Flat No.10,
2nd floor, 46, Ritz Road, Walkeshwar,
Mumbai 400 006.

.. Respondents

Mr.N.V.Bandiwadekar, for the Petitioner.
None for the Respondents.

***CORAM: N.M.Jamdar, J.
Wednesday 16 December, 2015***

Oral Judgment :

The Petitioner challenges the order passed by the Labour Court Sangli, dated 23 February 2000 partly allowing the application filed by the Petitioner under section 33C (2) of Industrial Disputes Act, 1947.

2. The Petitioner in the application under section 33C(2) of Industrial Disputes Act, 1947 is claiming the following -

1)	<i>Arrears of wages from Oct. 1990 to 20.3.1991</i>	Rs. 10,800/-
2)	<i>Bonus for 1990</i>	Rs. 5,400/-
3)	<i>Notice pay</i>	Rs. 1,800/-
4)	<i>Retrenchment compensation</i>	Rs. 29,075/-
5)	<i>Compensation</i>	Rs. 4,69,475/-
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3. As regards the compensation of ₹ 4,69,475, the Labour Court has recorded that the Petitioner is not claiming compensation. In view of this position, this claim does not arise.

4. The claim pressed by the learned counsel for the Petitioner is regarding retrenchment compensation of ₹ 30,875. The Labour Court has observed that there is a dispute as regarding the termination of the Petitioner and according to the Respondents the Petitioner voluntarily left the job. The Labour Court has rightly taken a view that this claim would not fall in the ambit of Section 33C(2) of the Industrial Disputes Act and the claim is not preceded by any decision or order of any adjudicating authority. Other claims of the Petitioner have been granted, hence there is no perversity or illegality in the impugned order.

5. As regards the claim of retrenchment compensation, if it is permissible in law and subject to contentions of parties on merits

as well as on delay, it is open to the Petitioner to pursue the same in the competent Court.

6. Writ petition is dismissed. **Rule discharged.**

(N.M.Jamdar, J.)