

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 7168 OF 2012

S. Ramchandran
: V/S :
General Manager,
Business Combined Ltd.

.....Petitioner

.....Respondent

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Mr. Neel G. Helekar, Advocate for the petitioner.
Mr. R.V. Paranjpe, Advocate for respondent no.1.

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Coram :- Smt. R.P. SondurBaldota, J.

29th JUNE, 2015.

P.C. :-

1). This petition is directed against the order dated 16th March, 2012 by which the Labour Court, Nasik partly allowed the petitioner's application under Section 33C-2 of the Industrial Disputes Act and directed the respondent to pay a sum of Rs.1,08,995/- with interest at the rate of 6% p.a. from 28th June, 1995 till payment and the cost of the application quantified at Rs.1,000/-.

2). By the Award dated 28th June, 1995 passed by the Labour Court, Nasik on Reference (IDA) No. 2 of 1995, the respondent was directed to reinstate the petitioner with continuity of service and pay him

50% backwages minus the amount of notice pay and the retrenchment compensation. The petitioner was duly reinstated in service. However, according to him he was not given continuity of service. Therefore, he filed the application at IDA No. 7 of 2007 seeking a sum of Rs.4,50,000/- being the amount due under the Award, the payment as regards the benefits payable to him which had been given to the other two workers during the period 1983-86. The petitioner, did not give break-up of the amount demanded by him in the application. He also did not justify the amount in his evidence by stating the basis of the calculation. The Labour Court, therefore, accepted the admitted salary of the petitioner as of Rs.1,590/- per month to grant amount of Rs.1,08,995/- alongwith interest at the rate of 6% p.a. from the date of the order till date by way of difference of the amount payable on continuity of service. The record, clearly shows that the petitioner has neither pleaded nor established the basis of the amount claimed. Therefore, there cannot be any infirmity in the impugned order. Hence, the petition is dismissed.

3). The petitioner is at liberty to withdraw the amount deposited by the respondent in the Labour Court pursuant to the impugned order.

(SMT. R.P. SONDURBALDOTA, J)