

Sequeira

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

WRIT PETITION NO. 3203 OF 1997.

Maharashtra Rajya Marg Parivahan
Maharashtra, Pune Vibhag,
Shankar, Seth Road, Pune Controller
(Through :Divisional Controller
Dr.Anandrao Nair Road, Bellasis Rd,
Bombay Central, Bombay – 400 008.

.. Petitioner

Vs.

1. Shri Balwant Ramchandra Pawar,
303, Gaikwad Chawl,
Aundth, Pune-7.

2. Presiding officer.,
IInd Labour Court, Pune.

.. Respondents

Mr.G.S.Hegde a/w Mr.C.M.Lokesh, for Petitioner.
Ms.Meenakshi Sakhare i/b Mr.S.R.Nargolkar, for Respondent No.1.

***CORAM: N.M.Jamdar J.
Friday 21 August, 2015***

Oral Judgment :

By this petition, the Petitioner Corporation challenges the order passed by the learned Labour Court Judge, Pune under Section 33-C(2) of the Industrial Disputes Act, 1947 granting the application and holding that the Respondent is entitled to receive certain benefits.

2. The Respondent No.1 had claimed benefits as regards special pay, protected D.A. Cash handling allowance, leave wages and sick leave wages with interest, claiming an amount of ₹ 86,637.66. The learned Labour Court Judge allowed the claim of the Respondent as regards protected D.A and encashment of leave of 205 days by the impugned order dated 4 July 1996. The other claims made by the Respondent No.1 were negated. The claim of the Respondent was to the tune of amount of ₹ 17,000/-. The Petitioner thereafter filed the present petition challenging the impugned order on various grounds.

3. The petition was admitted on 9 March 2000. The Petitioner was directed to deposit an amount of ₹ 17,000/- and Respondent was permitted to withdraw the same by furnishing security. The amount is accordingly withdrawn by the Respondent.

4. Mr.Hegde, the learned counsel for the Petitioner, submits that the amount involved in this petition is not substantial and the Respondent has already withdrawn this amount and even if the Petitioner succeeds, it will be difficult to recover the amount and the expenses incurred for this process will exceed the amount, however, there are certain observations made by the Labour Court Judge in the impugned order which will create difficulties for the Petitioner in further administrative matters. Mr.Hegde submits that the observations regarding reinstatement of an employee on the original post and the power of the Petitioner Corporation to transfer an employee and the subsequent rights of employee to

receive certain special pay are some of the issues that might be affected due to the observations made in the impugned order. Ms Sakhare the learned counsel for the Respondent No.1, states that the Respondent No.1 will be satisfied if the amount withdrawn by Respondent No.1 is not recovered and she does not insist on adjudication on merits.

5. In view of this position, Mr.Hegde submits that if it is clarified that the observations made by the learned Labour court Judge, in the impugned order will not come in the way of Petitioner in case similar issue arises for consideration in subsequent circumstance, the Petitioner will not press the petition further. In view of the stand taken by both the parties, it is not necessary to decide the issues raised in the petition on merits.

6. The Writ petition is accordingly dismissed. However the observations made in the impugned Judgment and order on the legal position are kept open to be decided in an appropriate case. With this clarification **Rule** discharged, no order as to costs.

(N.M.Jamdar J.)