

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

WRIT PETITION NO. 3333 OF 2000

Force Motors Ltd.
(formerly known as Bajaj Tempo Ltd.) ... Petitioner

v/s

Albert Joseph Peter & ors. ... Respondents

Mr.S.K.Talsania, senior advocate along with Sagar Sheth and Ms.
Radha Ved i/by M/s.Sanjay Udshi & Co. for the petitioner.

Mr.M.S.Topkar for Resp. No.1-I to to 1-IV.

CORAM: N.M. JAMDAR, J.

DATED : 17 DECEMBER 2015

P.C.:

The Industrial Court had directed reinstatement of the Respondent No.1 workman in the services of the Petitioner with full back wages. At the time of issuing Rule, the Petitioner had deposited the amount of back wages to the tune of Rs.5,37,277/-, which the Respondent was permitted to withdraw upon furnishing security in terms of bank guarantee. Thereafter the Respondent has expired on 23 November 2011 and copy of the death certificate is placed on record. Learned counsel for the parties states that the parties have reached a consensus that the litigation can be put to an end by the heirs not pursuing the claim for reinstatement and

the Petitioner not claiming back the amount deposited by them. These statements made by the learned counsel for the parties are accepted. Nothing therefore survives for adjudication.

2. Learned counsel for the Respondent workman submitted that, after withdrawing the amount, a bank guarantee of Rupee Co-operative Bank Limited, Pune, was given and that bank now faces various financial difficulties and an Administrator is appointed.

3. Considering the peculiar facts of the case and that the workman has expired and is survived by his widow, if an application is made by the Respondent to the concerned bank, the Administrator will personally look into the matter and take sympathetic view as regard giving priority to the claim of the Respondent workman.

4. The writ petition is disposed of in above terms.

(N. M. JAMDAR, J.)