

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

Civil Application (CAZ) No. 66 of 2015

in

L.P.A. No. 8 of 2015 (D)

in

Writ Petition No. 2253 of 2002 (D)

(Smt. Nalini W/o Birendra Kumar Shrivastava Vs. W.C.L. through its Sub-Area
Manager, Sillewara, Tal. Saoner, Distt. Nagpur and anr.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's Orders.

Court's or Judge's orders.

**CORAM : B. P. DHARMADHIKARI &
P. N. DESHUKH, JJ.**

DATE : 28-10-2015.

Heard Shri R. N. Sen, learned counsel for the applicant. He submits that the applicant is ultimately held not entitled to gratuity amount which she has already withdrawn. He therefore states that if surety furnished by the applicant is discharged, the amount received by her can be refunded. He further adds that she is entitled to arrears in terms of National Coal Wage Agreement (NCWA)-VI. If that amount is adjusted against amount to be refunded, the burden of the applicant may be reduced or wiped

out.

The application has been filed in Letters Patent Appeal No. 8/2015 which is already decided. Letters patent appeal arose in Writ Petition No. 2253/2002 filed by her employer.

It is, therefore, apparent that grievance of this nature cannot be looked into in present application. Shri Sen, however, invited our attention to the order dated 14-8-2015 passed by the Ministry of Labour and Employment, Office of the Deputy Chief Labour Commissioner at Nagpur and submits that this order is totally arbitrary.

With liberty to the applicant to take such other remedies as are open in law to assail that order and keeping all rival contentions open, we dispose the civil application.

No order as to costs.

JUDGE

JUDGE