

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 6817 OF 2014.

(CHANVIM ENGINEERING (I) PVT.LTD...VS..THE WORKMEN OF CHANVIM ENGINEERING (I) P.L..)

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

Court's or Judge's orders

CORAM : Z.A.HAQ, J.
DATED : MARCH 31, 2015.

Heard Mr. A.J.Pathak, learned advocate for the petitioner and Mr. M.V. Mohokar, learned advocate for the respondent, who has put in appearance *suo-motu*.

The petition is by the employer challenging the order passed by the Industrial Court allowing the application filed by the respondent and directing the petitioner to pay dearness allowance to the workers from October, 2014 as per the current rate of minimum wages notification and to continue to pay the dearness allowance during the pendency of the reference.

The learned advocate for the petitioner has submitted that the Industrial Court should not have passed interim award in view of the directions given by this Court in Letters Patent Appeal No. 603 of 2010 pursuant to which the demand No.15 made by the respondent has been incorporated in the reference. It is submitted that as per the order passed in L.P.A. No. 603 of 2010, the entitlement of the workers to receive the dearness allowance as per the current rate of minimum wages notification can be adjudicated only

after the trial. It is further submitted that the relief granted by the interim award is the final relief and it could not have been granted at this stage. In support of his submission the learned advocate has relied on the judgment given in the case of *Bank of Maharashtra Vs. Race Shipping and Transport Co. Pvt.Ltd.*, reported in **AIR 1995 SC 1368**.

In my view, the submissions made on behalf of the petitioner are misdirected, In the order passed by this Court in the Letters Patent Appeal No. 603 of 2010 there is nothing which shows that the Division Bench of this Court has curtailed the jurisdiction of the Industrial Court to pass any interim order or interim award. The other submission that the Industrial Court has granted final relief by the interim award is also not proper. The claim of the workers is that they are entitled for the dearness allowance as per the current rate of minimum wages notification from 2007, however, the Industrial Court has directed the petitioner to pay the dearness allowance from October, 2014 i.e. the month in which the impugned order is passed.

The other points raised by the respective parties cannot be delved into in this petition as the matter is to be decided by the Industrial Court on merits.

In view of above, I see no reason to interfere with the impugned order. The writ petition is **dismissed**. In the circumstances, the parties to bear their own costs.

JUDGE