

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

929 WRIT PETITION NO. 4435 OF 1995

Superintendent,
Agriculture School Ambejogai,
Tq. Ambejogai, Dist. Beed

And another.

.. Petitioners.

VERSUS

Nandkishor S/o Shankarrao More
And others.

.. Respondents.

...

Mr. M.N.Nawandar, Advocate h/f Mr. K.G. Nawandar,
Advocate for Petitioner;
Mr. U.S. Malte, Advocate for Respondent No.1;
Mr. U.H.Bhogale, AGP for Respondent No.3.

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**CORAM : P.R. BORA, J.
Dated: June 24, 2016**

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PER COURT :-

1) The Petitioners have filed the present petition, challenging the order passed by the Industrial Court, Aurangabad on 21.06.1995 in the Complaint (ULP) No.358/1992. The Industrial Court had passed the following order order:

ORDER

“ Complaint stands allowed-partly.

It is declared that the Respondents have committed unfair labour practice under Item-9, Schedule-IV of the M.R.T.U. & P.U.L.P. Act, 1971, in not paying the due daily-wages to the Complainant as skilled workman i.e. electrician.

The Respondents are directed to pay difference to the complainant of daily wages payable to him as per Circulr No.AAM-127 (33) dt.31-5-1988, communicated by letter dt.27-9-88, and actually paid. It is further directed that he should be given benefit of Govt. Circular No.ACU-1089/CR 314/18-A. Mantralaya, Vistar, dt. 8th April 1994, paying the difference of wages from this date”

2) It is brought to my notice that, according to the order as aforesaid passed by the Industrial Court, the Respondent was entitled to get an amount of Rs.4,480/-. It is further brought to my notice that, the said amount was deposited by the petitioner before this Court and subsequently the respondent herein was permitted to withdraw the said amount on furnishing an undertaking that, in the event, the writ petition is allowed and the

order passed by the Industrial Court is set aside, he will refund the said amount within two weeks from passing of such order.

3) Vide the impugned order, the learned Industrial Court had granted certain benefits to the respondent employee. Quantified in monetary terms, the amount payable to the respondent employee in accordance with the said order was Rs.4,480/-, as has been submitted by the learned Counsel for the petitioner. In view of the fact that the said amount of Rs.4,480/- was deposited by the petitioner and was permitted to be withdrawn by the respondent, it does not appear to me that there is any propriety in now going into the merits of the present petition. Having regard to the small amount involved, there is no propriety in setting aside the impugned order which has been already complied with. Hence, the following order:

ORDER

(1) The Writ Petition is dismissed without any order as to costs.

(2) Respondent is discharged from the undertaking submitted by him while withdrawing the amount deposited in the instant matter. Rule discharged.

(P.R. BORA, J.)

SPR