

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

WRIT PETITION NO. 2867 OF 2016

M/S ISMT LTD (THE INDIAN SEAMLESS METAL TUBE LTD) THROUGH
ITS HEAD OFFICE AHMEDNAGAR AND ANOTHER.

VERSUS

BALU JAMAKU BARSE AND ANOTHER

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Advocate for Petitioners : Shri Kiran Bapat h/f Shri Upadhye Vinayak
Narayan.

Advocate for Respondent 1 : Shri PL.Shahane h/f Shri P.V.Barde.

Advocate for Respondent 2 : Shri A.N.Sikchi.

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 30th November, 2016

Per Court:

1 This matter was heard extensively and the contentions of the litigating sides were considered on 15.11.2016. Since the matter was being heard finally at admission stage, after the extensive submissions of the learned Advocates were concluded, I expressed my view that I was inclined to award Rs.5 lac as lump-sum/ quantified compensation to Respondent No.1 in lieu of all claims and benefits arising out of his employment and non-employment with the Petitioner. The learned Advocates for the respective sides sought time to make a statement today.

2 The learned Advocate for the Petitioner, on instructions from the Petitioner present in the Court, submits that the Petitioner is agreeable

to pay Rs.5 lac as quantified compensation and thereafter, Respondent No.1 would be precluded from raising any issue as regards any other benefits, which would directly or indirectly create financial impact or burden on the Petitioner, arising out of his employment or non-employment.

3 The learned Advocate for Respondent No.1, on instructions, submits that Respondent No.1 is agreeable to accept the said amount and this would bring to an end all claims of any nature whatsoever of Respondent No.1 against the Petitioner. It is informed that no issues like provident fund, pension, etc. are pending.

4 The learned Advocate for the Petitioner submits that the said amount of Rs.5 lac would be paid in five equal installments beginning from 15.12.2016 and concluding on 15.04.2017.

5 The learned Advocate for Respondent No.1 submits that, at the most, he may agree for two installments.

6 Considering the above, this Writ Petition is partly allowed by consent. The impugned judgment and award dated 14.07.2015 stands replaced by the direction to pay Rs.5 lac as quantified compensation to

Respondent No.1. Reference (IDA) No.65/2007 will, therefore, stand partly allowed only in terms of the above quantified compensation to be paid by the Petitioner to Respondent No.1. As such, I deem it appropriate to grant three installments to the Petitioner which would be as follows:-

- (a) The first installment of Rs.1.5 lac shall be paid to Respondent No.1 (Balu Jamaku Barse) on 15.12.2016;
- (b) The second installment of Rs.1.5 lac shall be paid to Respondent No.1 (Balu Jamaku Barse) on 15.01.2017; and
- (c) The third installment of Rs.2 lac shall be paid to Respondent No.1 (Balu Jamaku Barse) on 15.02.2017.

7 Needless to state, the quantified compensation being paid as above, would completely end all the disputes and claims of Respondent No.1 as against the Petitioner and he shall be precluded from raising any dispute, complaint or demand before any Court or authority or forum against the Petitioner and shall not raise any financial demand which would directly or indirectly impact the Petitioner. With this payment of the quantified compensation of Rs.5 lac, all claims of Respondent No.1 arising out of his employment and non-employment with the Petitioner, stand satisfied.