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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7781 OF 2016

Municipal Nursing and Paramedical Staff Union ...Petitioner

VS

The Municipal Corporation of Greater Mumbai & Ors. ...Respondents

.....

Mrs. Neeta Karnik, for the Petitioner.

Mr. S.S. Pakale, a/w. Mr. P.M. Patil for the Respondents.

.....

**CORAM : S.C. GUPTE, J.
(IN CHAMBERS)**

DATED: 27 OCTOBER, 2016

P.C. :

. Heard learned Counsel for the parties.

2. Learned Counsel agree that no reason be given for the order that is being passed.

3. The impugned order dated 8 June 2016 being **Exhibit H** to the petition is substituted in terms of the following order as well as an order in terms of prayer clause (b) of the application for interim relief, Exhibit U-2 of the complaint.

4. The Respondent Corporation has submitted a recovery

statement in respect of three employees, namely, Smt. Lata Arun Salvi, Smt. Namrata Ghanshyam Hardikar and Smt. Gauri Sudip Nerurkar indicating retirement benefits payable to them in accordance with the last drawn salary stated to be Rs.4,200/- . This position is not accepted by the named employees. It is their case that the leave salary as well as retirement benefits ought to be calculated in their case in accordance with their last drawn salary of Rs.4,800/-. The employees, however, have offered to accept the amount offered to be paid by the Respondent Corporation in accordance with this recovery statement as an adhoc payment towards their retirement benefits, without prejudice to their rights and contentions and subject to the outcome of pending complaint. The dues will be paid accordingly to these employees. It is clarified that withholding, if any, of retirement benefits, including pensionary benefits as a result of the disputed recovery statement shall be subject to the outcome of the complaint. The Court shall also decide whether any interest ought to be ordered on the withheld amounts, if any, as the Court may deem fit in the facts and circumstances of the case.

5. The complaint is expedited. The Industrial Court is requested to dispose off the case at the earliest and in any case within a period of six months from today. The Petitioner shall approach the Industrial Court on 7 November 2016 with copy of this order, for seeking appropriate directions in this regard from the Industrial Court.

6. Three laboratory technicians, who are due to retire in next three months on account of reaching the age of superannuation, shall also be paid their dues on an adhoc basis as indicated in the case of the

three named employees hereinabove. This payment shall also likewise be subject to the outcome of the complaint in the same terms as in the case of the three named employees.

7. All rights and contentions of both parties are kept open.

8. The petition is disposed off accordingly. There shall be no order as to costs.

(S.C. GUPTE, J.)