

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE**

**CIVIL APPLICATION NO.409 OF 2015
IN
WRIT PETITION NO.6259 OF 2011**

Shri Avinash Bhagwan More and Others	...	Applicants
Versus		(Original Petitioners)
Aditi Education Society And Another	...	Respondents

**WITH
CIVIL APPLICATION NO.410 OF 2015
IN
WRIT PETITION NO.6260 OF 2011
WITH
CIVIL APPLICATION NO.411 OF 2015
IN
WRIT PETITION NO.6265 OF 2011
WITH
CIVIL APPLICATION NO.412 OF 2015
IN
WRIT PETITION NO.6270 OF 2011
WITH
CIVIL APPLICATION NO.468 OF 2016
IN
CIVIL APPLICATION NO.409 OF 2015
WITH
CIVIL APPLICATION NO.469 OF 2016
IN
CIVIL APPLICATION NO.410 OF 2015
WITH
CIVIL APPLICATION NO.470 OF 2016
IN
CIVIL APPLICATION NO.411 OF 2015
WITH
CIVIL APPLICATION NO.473 OF 2016
IN
CIVIL APPLICATION NO.412 OF 2015**

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Mr. Nitin Deshpande for the Applicants in CAW/468/16, CAW/469/16, CAW/473/16 and for the Petitioners in WP/6259/11, WP/6270/11, WP/6265/11 and WP/6260/11.

Ms. Jane Cox a/w Mr. R.A. Amonkar for the Applicants in CAW/410/15, CAW/411/11, CAW/412/15, CAW/409/15 and for the Respondents in WP/6259/11, WP/6270/11, WP/6265/11 and WP/6260/11.

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CORAM : S.C.GUPTE, J.

DATE : 1 AUGUST 2016.

P.C. :

. These Petitions are brought before this Court complaining of non-implementation of the memorandum of agreement in terms of which the Petitions alongwith Civil Applications were disposed of by this Court on 28 July 2016. The memorandum of agreement taken on record in terms of this order records that the Management of Billimoria High School shall pay by way of arrears a lump sum of Rs.1,00,000/- to each of the Respondent-workmen. So also, immediately upon signing of the settlement in acceptance of terms and conditions thereof, each of the concerned workmen shall receive benefits of this settlement. Such benefits were to include the monthly basic wages and allowance to be paid to each category of workmen as provided in Clause-2 of the memorandum of agreement with effect from 1 May 2016.

2 It is the grievance of the workmen that their dues have not since been paid, though the memorandum of agreement has been signed by the Respondent-workmen. It appears that this was not done due to an issue

concerning adjustment of the amounts paid earlier in terms of the order dated 29 October 2015 passed by this Court. That order required the Management to pay each of the Respondents a consolidated monthly increment for three months @Rs.7,000/- per month on or before 6 November 2015. The amounts so paid were subject to the further orders/adjustments, if any, ordered in future. It is apparent from the memorandum of agreement between the parties in terms of which the Petitions and Civil Applications were disposed of on 28 June 2016, that there is no further order or adjustment contained in the memorandum of agreement. In the premises, there is no question of the Management adjusting any amount towards the consolidated monthly increment for three months ordered on 29 October 2015. The Management of Billimoria High School is accordingly directed to pay the arrears of monthly dues in accordance with Clause-2 of the memorandum of agreement upto date within a period of two weeks from today. Needless to add that the lump sum in terms of Clause-7 of memorandum of agreement shall be paid on the date mentioned in the memorandum of agreement.

(S.C.GUPTE, J.)