

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

WRIT PETITION NO. 10586 OF 2015

M/s.Parmar Brothers

... Petitioner

v/s

Mr.Ramsingh Shitaprasad Patel & ors.

... Respondents

Mr.A.K. Jalisatgi along with T.R. Yadav for the petitioner.

Mr.A.G.Nagvekar for Resp. No.1.

Mr.S.D.Rayrikar, A.G.P for Resp. Nos.2 and 3.

CORAM: N.M. JAMDAR, J.

DATED : 16 FEBRUARY 2016

PC.:

Learned counsel for the parties, upon taking instructions from their respective clients, state that the petition can be disposed of by the following order and no reasons thereof be given. Learned counsel for the parties have placed minutes of order signed by both of them on record and have agreed for disposal of the petition in terms stated therein.

2 Accordingly, the writ petition is disposed of as under :

(i) The impugned Award dated 1st July, 2014 passed

by the 1st Labour Court, Mumbai in Reference (IDA) No. 80 of 2011 is hereby quashed and set aside. Similarly, the order of the 11th Labour Court, Mumbai in Misc. Application (IDA) No. 11 of 2015 dated 16th September, 2015, is also quashed and set aside.

(ii) The Recovery Certificate dated 19th March, 2015 issued by the Assistant Commissioner of Labour, Mumbai for sum of Rs.2,30,670/- (Rupees two lakhs thirty thousand six hundred seventy only) against the Petitioner is also hereby quashed and set aside.

(iii) The Petitioner shall pay to the Respondent a sum of Rs.1,20,000/- (Rupees One lakh twenty thousand only) in full and final settlement of all the claims and dues of the Respondent No.1, including those of reinstatement, re-employment, employment, wages, back wages, leave wages, gratuity, bonus, or any other claim of whatsoever nature, monetary or otherwise, arising out of his employment or non-employment with the Petitioner.

(iv) In view of the payment being made by the Petitioner as mentioned in Clause (iii) herein above, all claims of the Respondent No.1 arising from ex-parte Award dated 1st July, 2014 passed in Reference (IDA) No. 80 of 2011 by the 1st Labour Court, Mumbai and also the Order

of the Industrial Court, Mumbai, dated 23 March, 2015 passed in Complaint (ULP) No. 356 of 2014, are fully satisfied and settled.

(iv) The Respondent No.1 shall, within one week from today, withdraw Misc. Complaint (ULP) No. 14 of 2015, pending before the Labour Court, Mumbai, filed by him against the Petitioner and others.

(vi) Amount of Rs.1,00,000/- is deposited by the Petitioner in this Court. The same is allowed to be withdrawn by the Petitioner.

3 The Petition is disposed of in above terms, with no order as to cost.

(N. M. JAMDAR, J.)