

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO.1016 OF 2016

**M/s. Consolidated Pneumatic Tools India Ltd.
(Now known as Atlas COPCO (I) Limited) ..Petitioner**

Versus

**Association of Engineering Workers,
'Shree Sai Datta Krupa', Janata Colony,
Building No.5, R. N. Narkar Marg,
Ghatkopar (E), Mumbai 400 077 and others ..Respondents**

**Mr. P C. Pavaskar i/by Mr. S. S. Gawde for the Petitioner.
Mr. N. M. Ganguli for the Respondent Nos.1 & 2.**

**CORAM : R. M. SAVANT, J.
DATE : 29th AUGUST, 2016**

PC.

1 The order dated 30.08.2012 passed by the Learned Member of the Industrial Court, Mumbai, disposing of the complaint with the directions as contained in clauses (1) and (2) of the operative part of the order is taken exception to by way of the above Writ Petition.

2 The principal grievance of the Petitioner is as regards the observations made in clause (1) of the operative part which are to the effect that the liberty is granted to the complainant to approach the appropriate authority for getting full wages for the period from April 2001 onwards till 31.12.2007. The complaint in question was filed for

implementation of the Award of the Labour Court in Reference (IDA) No.501 of 1986. By which Award, the Labour Court had directed the reinstatement of the Respondent with 1/3 backwages. The said Award of the Labour Court was assailed in Writ Petitions filed in this Court by the Respondent and the Petitioner. The Writ Petition filed by the Respondent came to be allowed and resultantly the Award came to be modified. In so far as the backwages are concerned, modification was to the extent that the Respondent was granted full backwages. The order passed by a Learned Single Judge of this Court was confirmed by the Appellate Bench of this Court by dismissing the Appeal filed by the Petitioner Company. Hence, in so far as the Award granting reinstatement with full backwages is concerned, it has become final and binding. The challenge to the observations made in clause (1) of the operative part is on the ground that the scope of the complaint was only restricted to the claim of the Respondent till March 2001 and therefore the Industrial Court has issued directions which are beyond the scope of the complaint. In my view, the directions as contained in clause (1) are innocuous and only permit the Respondent to file appropriate proceedings before the appropriate authority which the Respondent has now done by filing an application under Section 33C(2) of the Industrial Disputes Act, 1947 for claiming the relief as contemplated by clause (1). In my view, therefore,

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no case for interference in the writ jurisdiction of this Court is made out.
The Writ Petition is accordingly dismissed.

3 However, it is clarified that the contentions of the parties are kept open for being urged before the concerned Court trying the application under Section 33C(2) of the Industrial Disputes Act, 1947.

[R.M.SAVANT, J]