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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.2803 OF 2006

Mazagon Dock Ltd.

...Petitioners

vs

Mrs. Aruna Rohidas Duraphe & Ors.

...Respondents

WITH

WRIT PETITION NO.252 OF 2009

.....

Mr. R.S. Pai, a/w. Mr. Anand R. Pai, i/b. Piyush Shah, for the Petitioner in WP/2803/2006 and for the Respondent No.1 in WP/252/2009.

Mr. Shailesh Pathak, a/w. T.R. Yadav, for Respondent No.1 in WP/2803/2006 and for the Respondent No.1 in WP/252/2009.

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CORAM : S.C. GUPTE, J.

DATED: APRIL 11, 2016

P.C.:

. The present petitions, filed under Article 226 of the Constitution of India, seeks to challenge awards dated 24 March 2006 and 6 June 2006 made in a reference by the 1st Labour Court at Mumbai. The final award dated 6 June 2006 was made and published on 28 September 2006. In pursuance of an order passed by this Court in the present writ petitions on 28 August 2007, a total sum of Rs.2,55,754/- was deposited by the Petitioner before this Court. This amount represented 50% of back wages payable to the original Respondent (since deceased) between 27 March 1998 and 6 June 2006. The amount has since been invested by the office of this Court. After the matter was heard at some length, learned Counsel for the Petitioner

submitted that the amount of back wages deposited by the Petitioner can be withdrawn by the legal heirs of the deceased Respondent, who has already been brought on record. Learned Counsel further submitted that towards the balance amount claimed by the deceased Respondent, his client is prepared to pay a further sum of Rs. 2.50 lacs, which payment together with the amount of 50 per cent back wages to be withdrawn by the legal heirs of the deceased employee shall be in full and final settlement of the claim of the original Respondent arising out of the impugned award. The Respondent (legal heir of the deceased original Respondent) accepts these amounts in full and final settlement of the original Respondent's claim under the impugned award. Accordingly, the writ petitions are disposed of by directing the office to release the entire amount of back wages deposited by the Petitioner, together with accrued interest thereon, to the Respondent and accepting the statement of the Petitioner to pay a further sum of Rs. 2,50,000/- within a period of four weeks from today directly to the Respondent. There shall be no order as to costs.

2. It is clarified that these payments are in full and final settlement of the final award dated 6 June 2006. If the original Respondent is entitled to any further legal dues towards gratuity, provident fund or otherwise, the same shall not be, in any way, prejudiced by the present order.

(S.C. GUPTE, J.)