

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
APPELLATE SIDE
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 949 OF 2015

Depot Manager Mah. State Road Transport Gondia & Ano. Vs. Brijlal Ramchandrarao Raut

WRIT PETITION NO. 1012 OF 2015

Depot Manager Mah. State Road Transport Gondia & Ano. Vs. Vishwas Shriramji Gadekar

WRIT PETITION NO. 1634 OF 2015

Depot Manager Mah. State Road Transport Gondia & Ano. Vs. Rupchand Gomaji Bagde

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Office Notes, Office Memoranda of Coram,
appearances, Court orders or directions
and Registrar's orders
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Court's or Judge's Order

Shri V. H. Kedar Adv for petitioner.
Shri M. V. Mohokar Adv for respondent.

CORAM: A. S. CHANDURKAR J.

DATED: 4th JULY, 2016.

Since identical issues arise in these writ petitions they are heard together and are being disposed of by this common order. For the sake of convenience the facts in Writ Petition No. 949 of 2015 are being referred to.

The respondent was employed with the petitioner-Corporation as a driver on 10.10.1979. He superannuated on 31.08.2005. He had approached the Labour Court in proceedings under Section 33-C of the Industrial Disputes Act, 1949 claiming difference of salary and allowances by relying upon Clause 49 of the 1956 Settlement. The Labour Court after considering the documents on record came to the conclusion that in terms of Clause 49 of the 1956 Settlement, the respondent having completed 180 days service was entitled to be brought on time scale. On

that basis by order dated 28.11.2011 the application was allowed with a direction to pay the difference in the pay and allowances.

Shri V. H. Kedar, the learned counsel for the petitioner submitted that the finding recorded by the Labour Court regarding completion of 180 days of service is not based on any material on record. He however submits that the pursuant to the aforesaid order the Corporation had deposited an amount in question with the Labour Court and the respondent after applying for permission to withdraw the same has received the aforesaid amount.

Shri M. V. Mohokar, the learned counsel for the respondent supported the impugned order and submitted that the finding regarding completion of 180 days and the entitlement as per Clause 49 of the 1956 Settlement is based on documents on record. He submits that the aforesaid amounts as determined by the Labour Court have been received by the respondent.

It is to be noted that the impugned order is dated 28.11.2011 while the present Writ Petitions have been filed on 11.02.2015 and thereafter. The finding recorded by the Labour Court regarding completion of 180 days of service is based on the documents that were available on record. Considering the fact that the award passed by the Labour Court has been complied with by the Corporation and the claim stands duly satisfied, I do not find that any case has been made out to interfere in writ jurisdiction. The writ petitions stand dismissed. No order as to costs.

JUDGE

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