

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CIVIL APPLICATION (CAW) NO. 1682 OF 2015

IN

WRIT PETITION NO. 1206 OF 1999

(Swastik Detective Agency Pvt. Ltd., Nagpur Vs. Deputy Commissioner of Labour, Nagpur & another)

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

Court's or Judge's orders

Shri A. P. Wachasunder, Advocate for the applicant-petitioner.
Shri A. M. Balpande, A.G.P. for respondent No.1.

CORAM : S. B. SHUKRE, J.

DATED : 12 APRIL, 2016

Heard learned Counsel for the applicant.

2. It is seen that after the remand of the case to the Labour Court made by this Court on 24/9/2011, the Labour Court had decided the case afresh on 17/10/2013. The Labour Court has now answered the reference as in the negative holding that respondent No.2 has failed to prove that the petitioner has illegally terminated his services w.e.f. 10/01/1992 and that respondent No.2 is not entitled to reinstatement with continuity of service and full back wages from 10/01/1992. This award was published on 14/11/2013 in the Government Gazette.

3. Learned Counsel for the applicant states that this award has attained finality, it having been not challenged by respondent No.2.

4. Learned A.G.P. for respondent No.1 states that appropriate order be passed.

5. Respondent No.2, in spite of being duly served and having been given full opportunity to submit his say in the matter, has failed to avail of the same.

6. On 22/3/2015, by an order passed by this Court, last opportunity was granted to respondent No.2, but to no avail.

7. In the circumstances and having gone through the award dated 17/10/2013, I am convinced that this application deserves to be allowed.

8. Accordingly, the application is allowed.

I) It is directed that amount of Rs.53,008/- (rupees fifty-three thousand and eight only), if deposited in this Court, be refunded to the applicant-petitioner. If any interest as accrued thereon, by virtue of it being invested in any nationalized Bank, same also be refunded to the applicant.

II) If the amount is not lying in deposit in this Court, learned Registrar shall take action for recovery of the same in terms of Section 5 of the Revenue Recovery Act, 1890 at the cost of the applicant. The applicant shall pay necessary charges/fees, which may be notified by the learned Registrar.

Civil application stands disposed of.

JUDGE