

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 1438 OF 1999

Sopan s/o Yadav Shitole,
Age 57 yrs. Occ. Service
(but under suspension)
r/o Naigaon Tq. Kallam
Dist. Osmanabad, now at
Murud, Tq. & Dist. Latur.

...PETITIONER

VERSUS

1. Latur Peoples Co.Op.Bank Ltd.
Chandranagar, Latur, Through:
it's Chairman.
2. Manager,
Latur Peoples Co.Op.Bank Ltd.,
Chandranagar, Latur.

**Respondents/
Ori.Respondent nos. 1 & 2.**

3. Judge of the Labour Court,
Latur.

...RESPONDENTS

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Advocate for Petitioner : Mr.Bhavthankar Vivek Vasantryao
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CORAM : P.R. BORA, J.
Dated: April 26, 2017
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ORAL JUDGMENT:

1. Heard. The petitioner has challenged the order passed by the Labour Court, Latur, in IDA No.13/1996,

decided on 30th of April, 1997. The aforesaid application was filed by the petitioner seeking recovery of an amount of Rs.29,520.67 under Section 33 (c) (2) of the Industrial Disputes Act. The learned Labour Court partly allowed the said application and held the petitioner entitled for the amount of Rs.19,232/- by way of subsistence allowance.

2. In the present petition, it is the grievance of the petitioner that the learned Labour Court wrongly rejected the claim of the petitioner for subsistence allowance of the period after conclusion of the enquiry. The contention so raised by the petitioner is liable to be rejected at the threshold. It is well settled that an employee is entitled for the subsistence allowance during the period of enquiry and cannot claim such an allowance after conclusion of the enquiry. Therefore, there appears no substance in the petition so filed. I do not see any error in the order impugned in the present petition. The petition is, therefore, liable to be dismissed and is accordingly dismissed. Rule discharged.

(P.R. BORA)
JUDGE

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