

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4443 OF 2016

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr.C.M.Lokesh i/b M/s.G.S.Hegde & Associates for the petitioner

Mr.Meelan Topkar for the respondent

CORAM : K. K. TATED, J.

DATE : MARCH 3, 2017

P.C.:

1 Heard the learned counsel for the parties.

2 By this petition under Article 226 and 227 of the Constitution of India, the Petitioner challenges the order dated 24.9.2014 passed by Industrial Court No.1, Kolhapur in Revision (ULP) No.157 of 2009 setting aside the order dated 14.9.2009 passed by Labour Court in complaint (ULP) No.46 of 2009 and granting liberty to the petitioner to award punishment of stoppage of two increments.

3 The learned counsel for the petitioner submits that he received instruction from his client i.e. M.S.R.T.C. by letter dated 23.2.2017 to accept the offer made by the respondent for imposing punishment of stoppage of three increments. The said letter is taken on record and marked 'X' for identification.

4 The learned counsel for the respondent submits that he received instruction from his client that he has no objection if instead of two, three increments are stopped. Hence, by consent, following order is passed:

a) Order dated 24.9.2014 passed by Industrial Court No.1, Kolhapur in Revision (ULP) No.157 of 2009 in complaint (ULP) No.46 of 2004 is confirmed with modification to the effect that instead of stoppage of two increments it should be three. Hence, amended operative part of the said order reads thus:

“ORDER

- 1) The Revision Application is partly allowed.
- 2) Order of Labour Court dated 14-09-2009 in Complaint (ULP) No.46 of 2009 is hereby quashed.
- 3) The Respondent is at liberty to award punishment of stoppage of three increments on the date of 14th September, 2009 and recover the amount from its terminal benefits.
- 4) R & P be sent back to the Labour Court, Ratnagiri.”

- b) Writ Petition stands disposed of accordingly.
- c) Petitioner to finalise the respondent's retirement dues as early as possible, but in any case, within four months from today.

JUDGE