

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.1572 OF 2017

The Municipal Corpn for Gr.Mumbai... .. Petitioner
thr.GM BEST Undertaking

VS

Dilip Parshuram Sarfare Respondent

Mr.S.K.Talsania Sr.Counsel I.b Mr.Arsh Mishra I.b
M.V.Kini & Co for Petitioner
Mr.Rahul Oak for Respondent

CORAM: K.K.TATED, J
DATE: 29 MARCH, 2017

P.C.

1. Heard Mr.Talsania learned Senior Counsel appearing for the Petitioner and Mr.Oak learned counsel appearing for the Respondent.

2. By this Petition under Article 226 and 227 of the Constitution of India, the Petitioner is challenging an order dated 3 October 2015 passed by the learned Member, Industrial Court, Mumbai below Exhibit U-2 in Complaint (ULP) No.250 of 2015 directing the Petitioner to provide alternate suitable employment to the respondent at appropriate place. The operative part of the order reads as under :

“1. The application Exh U-2 of the complainant in Complaint (ULP) No.250/2015 is partly allowed.

2. Consequently, the respondents are directed to provide alternate suitable employment at appropriate place to the complainant within 30 days from the date of this order otherwise the respondent would pay him 75% of his last salary drawn and the respondents further directed to pay 50% of the salary/wages against the last salary drawn by the complainant.

3. No order as to cost.”

3. By consent of both the parties, following order is passed:

O R D E R

(A) Following portion “*and the respondent further directed to pay 50% of the salary/wages against the last salary drawn by the complainant*” of the impugned order dated 3 October 2015 below Application Exhibit U-2 is set aside.

(B) Payment/entitlement of back wages as per order dated 3 October 2015 passed by the Industrial Court, Mumbai below Exhibit U-2 in Complaint (ULP) No.250 of 2015 be decided at the time of final hearing of the complaint by the Industrial Court.

(C) Hearing of Complaint (ULP) No.250 of 2015 is expedited.

(D) With these directions and modifications, Writ Petition is partly allowed.

(K.K.TATED,J)