

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

Writ Petition No.105 of 2017

(Chandrapur Zilla Sahkari Krishi Gramin Bahuuddeshiya Vikas Bank Ltd.,
Chandrapur, through its Manager v. Maharashtra State Co-operative
Agricultural Rural Development bAnk Ltd., Mumbai, through its
Administrator and others)

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

Shri P.N. Shende, Advocate for Petitioner.

Coram : R.K. Deshpande, J.

Date : 17th April, 2017

In Application (I.D.A.) No.3 of 2013, the Labour Court, by its judgment and order dated 27-5-2015, has directed payment of Rs.4,94,623/- by the petitioner to the respondent No.2 towards leave encashment salary and interim index dearness allowance. This is the subject-matter of challenge by the petitioner, against whom the direction is issued.

Shri Shende, the learned counsel for the petitioner, submits that the respondent No.1-Bank is the Apex Bank and exercises control over the petitioner-Bank, and since the amount was not released by the respondent No.1, the petitioner could not pay the said amount. According to him, the Labour Court ought to have held that the petitioner and the respondent No.1 are jointly and severally liable to pay the amount to the respondent

No.2/employee.

Undisputedly, there is a relationship of “employer and employee” between the petitioner and respondent No.2. If at all, the petitioner is entitled to get the reimbursement of salary to certain extent from the respondent No.1, it is open for the petitioner to claim such amount from the respondent No.1. However, it cannot avoid its liability, fixed by the Labour Court in the judgment and order impugned.

No interference is called for. The petition is dismissed.

Judge.

Lanjewar