

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 1528 OF 2000

Tapi Irrigation Development
Corporation, Jalgaon through
the Executive Engineer,
Girna Irrigation Division,
Jalgaon.

..Petitioner

Versus

1. Pitambar Nathu Patil,
Age major, Occ. Labour
R/o Manjarkhede, Tq. Nashirabad
Taluka and Dist. Jalgaon.

2. The Presiding Officer,
Labour Court, Jalgaon.

..Respondents

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Advocate for Petitioner : Shri. D.R.Shelke a/w Smt. S.D.Shelke
Advocate for Respondent 1 : Shri G.V.Wani

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CORAM : RAVINDRA V. GHUGE, J.
Dated: March 20, 2018

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ORAL JUDGMENT :-

1. The petitioner is aggrieved by the judgment and order dated 13.1.2000, delivered by the Labour Court under Section 33-C(2) of the Industrial Disputes Act which has partly allowed Application IDA No.31 of 1998.

2. This Court, while admitting this petition on 2.5.2000,

granted ad-interim relief in terms of prayer clause (B) and stayed the impugned judgment.

3. I have heard the learned Advocates.

4. I find from the record that both the litigating sides had submitted a joint purshis Exhibit UC-1 before the Labour Court, thereby, declaring that they do not desire to lead oral evidence and the matter be decided on the basis of the documents produced.

5. The respondent / employee had claimed a difference of wages, considering his post of a watchman and the pay scale applicable, for an amount of Rs.2,90,615/-. He is working with the petitioner / department from 14.6.1983. The Kalelkar Award is applicable. After completion of 5 years, he is entitled to be taken on Converted Regular Temporary Establishment (CRTE). He, would therefore, be entitled for such scale as is permissible to an employee taken on CRTE for the position of a watchman.

6. In an earlier judgment, dated 17.5.1997, the Labour Court had allowed Application IDA No.50 of 1995, filed by the said employee under Section 33-C(2) and had applied the same

analogy. For the overlapping period, he was paid an amount of Rs.80,721/- pursuant to the said order. The Labour Court, therefore, concluded that the difference as per the scale available to an employee on CRTE would be Rs.1,76,276.69 and hence he would be entitled to the remainder amount of Rs.94,863/-. Interest at the rate of 9% per annum was also granted. The petitioner has neither paid the said amount with interest to the respondent, nor has he deposited the said amount in this Court. No evidence was adduced before the Labour Court to refute the claim of the respondent, by the petitioner / establishment.

7. Considering the above, I do not find that the impugned order could be termed as being perverse or erroneous. This petition being devoid of merits is, therefore, dismissed. Rule is discharged.

(RAVINDRA V. GHUGE, J.)

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