IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6863 OF 2018

M/s Technocraft Industries (India) Ltd. and ors. ... Petitioners
V/s
Bhaskar Kashinath Harad and ors. ... Respondents

Mr.S.K.Talsania, Senior Advocate with Mr.A.K.Jalisatgi i/by Mr. Amol B. Desai for the Petitioners.
Mr.Rahul Nerlekar with Mr. A. Patwardhan for the Respondents.

CORAM : S.C.GUPTE, J.
DATE : JULY 17, 2018.

P.C. :

1. After the matter is heard at some length, learned counsel for both the parties agree that the petition can be disposed of in terms of the following order and it is ordered accordingly as follows:-

2. The impugned order of the Industrial Court dated 5th May 2018, in complaint ULP No.40 of 2015, is quashed and set aside and the matter is remanded to the Commissioner of Labour for fresh calculation of dearness allowance payable in accordance with law, including in particular the Notification dated 14th May

2007 issued under the Minimum Wages Act, 1948.

3. All rights and contentions of the parties on merits are kept open, to be decided by the Commissioner of Labour.

4. In the meantime, pending consideration of the matter by the Commissioner of Labour, the special allowance offered by the company for the period from 1st July 2014 and till 31st December 2014, shall be accepted by the respondents-employees without prejudice to their rights and contentions.

5. The Commissioner of Labour shall decide the matter as expeditiously as possible and preferably within a period of three months of the date of communication of this order.

6. The parties shall appear before the Commissioner on 23rd July 2018, at 11.00 a.m. and produce this order and seek directions for the hearing.

(S.C.GUPTE, J.)

Priya Rajesh Soparkar
Digitally signed by Priya Rajesh Soparkar
Date: 2018.07.19 11:21:48 +0530