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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 11851 OF 2015

Maharashtra State Road Transport Corporation ... Petitioners

vs.

Shri Arun Sandipan Jarag ... Respondent

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Mr. G. K. S. Hegde a/w. Mr. C. M. Lokesh for the Petitioner.

Mr. Shailesh K. More for the Respondent.

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CORAM : A.K. MENON, J.

DATE : 2nd APRIL, 2018

P. C.

1. By this Writ Petition the petitioner-Corporation challenges a judgment dated 27th February, 2014 passed in complaint ULP/28/2008 filed under Section 28 of the MRTTP and PULP Act, 1971. The judgment directs the petitioner to implement the judgment and order passed by the Labour Court, Solapur in Complaint (ULP) No. 67 of 1995 by offering back wages and other monetary benefits to the respondents within three months from the date of the order dated 27th February, 2014. At the outset a preliminary objection has been taken up by Mr. More on the delay that has occasioned by opposing to the petition filed on 30th October, 2015.

2. Mr. Hegde submitted that in respect of the order passed by the Labour Court Solapur in Complaint (ULP) No. 67 of 1995 a separate writ petition bearing no. 4045 of 2005 has already been filed in this Court. The same was admitted but no stay granted is granted. Therefore the order of the Labour Court, Solapur in

complaint ULP/67/1995 was an executable order. Pursuant to the said order the impugned order came to be filed on a fresh application whereby the respondent alleged unfair labour practices on account of petitioners failure to comply with the order passed in Labour Court, Solapur.

3. Mr. Hegde submitted that on 21st November, 2016 the petitioner-corporation itself has offered to deposit arrears of salary. He pointed out that pursuant to the order a sum of Rs.1,90,253/- is deposited in this Court. This is ordered to be invested by this Court in this petition. Having perused the impugned order, I see no reason to interfere with the same in this petition. The WP/4045/2005 is still pending on the file of this Court. The order impugned therein has not been stayed. Admission of this petition would indirectly result in granting stay of the impugned order in WP/4045/2005. I do not intend to do so. In any event, I do not find any reason to interfere with the impugned order which is neither perverse nor illegal. However, since amount of Rs.1,90,253/- has been deposited in this petition, it will be appropriate that the said amount be transferred by the registry to the credit of WP/4045/2005.

4. In the circumstances, I pass the following order :

- (i) The amount of Rs.1,90,253/- deposited in this petition be transferred by the registry to the credit of WP/4045/2005.
- (i) Writ Petition is dismissed.
- (ii) No order as to costs.

(A.K. MENON, J.)