

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

COMPANY APPLICATION (CAL) NO. 5/2018 IN COMPANY APPEAL NO.8/2006 (D)
 (CHANDU BHAGWANJI WANJARI & OTHERS **VERSUS** OFFICIAL LIQUADATOR, NAGPUR & ANR)

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

Court's or Judge's orders

Shri A.K. De, counsel for the applicant/Respondent.
 Shri S.N. Tapadia, counsel for the non-applicant/Appellant.

CORAM : SMT. VASANTI A NAIK AND
A.S. CHANDURKAR, JJ.

DATE : APRIL 20, 2018.

by this application, the applicant seeks the modification of the terms and conditions in the order dated 10.10.2013 in Company Appeal No.8 of 2006.

It is stated on behalf of the applicant that though as per the report dated 09.10.2013, placed by the official liquidator on record, a common pool fund had been created and the terms and conditions were mentioned therein, the terms and conditions are modified in the year 2017 and as per the modified terms and conditions of 2017, specially Clause 1 thereof, the pay-scale/pay/basic pay shall be made available to the company paid staff at par with the government staff as per the recommendations of the 7th Pay Commission. It is stated that due to the subsequent development in view of the modification of the terms and conditions in the year 2017, a formal modification would be required in the order dated 10.10.2013.

Shri Tapadia, the learned counsel for the appellants in the company appeal and the non-applicant herein, does not dispute the statement made on behalf of the applicant. It is stated that if the modification in the order dated 10.10.2013, as sought by the applicant is made, it would benefit the employees like the appellants.

Since we do not find any reason for denying the relief sought by the applicant by the prayer made in the company application and since we find that the subsequent development necessitates the modification of the order dated 10.10.2013, we modify the order to the said extent. Hence, in the second paragraph of the order dated 10.10.2013, the words that “the pay of the company paid staff would be fixed at par with the government staff and the pay of the employees would be revised as per the recommendations of the 7th Pay Commission” should be incorporated.

At the request of the learned counsel for the applicant, we permit the applicant to make necessary payment to the employees as per this modified order.

With the aforesaid observations and directions, we dispose of the application.

JUDGE

JUDGE

APTE