

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**WRIT PETITION NO. 157 OF 2003
WITH CA/2425/2008 IN WP/157/2003**

**MANAGING DIRECTOR FOREST DEVELOPMENT
CORPORATION AND ANOTHER
VERSUS
MADHUKAR NARAYAN CHOPDE**

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Advocate for the Petitioner : Shri P. L. Shahane
Advocate for the Respondent : Shri V. Y. Patil

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**CORAM : RAVINDRA V. GHUGE, J.
DATED : 09th MAY, 2019.**

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PER COURT :

1. The petitioner Forest Development Corporation, which is unquestionably an industry under Section 2(j) of the ID Act, 1947, is aggrieved by the judgment and order dated 29/10/2002 delivered by the Industrial Court, Jalgaon in complaint (ULP) No. 1027/1995 (old No. 95/95).

2. I have heard the learned Advocates for the petitioners and the sole respondent original complainant. I have gone through the record available with their assistance.

3. The directions issued by the Industrial Court in the impugned order read as under :-

i) Complaint ULP No.1027 of 1999 (Original Compl. (ULP) No.95/95, is hereby allowed.

ii) It is hereby declared that the respondents have committed unfair labour practice under items 5 & 9 of Sch.IV of M.R.T.U. and P.U.L.P Act 1971 and directed to desist from continuing the same.

iii) The respondents are directed to fix the seniority of the complainant as per his employment order dated 29.03.1975 and rectify the seniority list accordingly.

iv) The respondents are also directed to pay difference of the salary, as per Annexure A & B to the complaint and to grant further increments with attendant benefirs on the basis of date of employment as 29.3.75.

v) The respondents are further directed to give the benefits of promotion for the post of Accounts Assistant w.e.f. 12.2.88 when other employees were promoted and to pay the further benefits accordingly to the complainant.

vi) The respondent are granted two months time for compliance of the order.

vii) In the circumstances parties to bear their own costs.

4. When this petition was admitted on 20/01/2003, this Court refused interim relief to the petitioners. By order dated 04/03/2011 passed on Civil Application No. 2442/2011, this Court directed the petitioners to pay the original complainant, the amount of leave encashment and provisional pension as if he was legally regularized from 1978. The balance amount

with regard to the period 1975 to 1978 can be paid to the employee after the petition is decided. It was also directed that such payments would not prejudice the contentions of the litigating sides.

5. The learned Advocate for the petitioners tenders a communication addressed to him by the petitioners, dated 04/12/2017 alongwith certain annexures. The entire compilation is taken on record and marked as 'X' collectively, for identification. The said documents would indicate that the respondent has been granted all the benefits as per the orders of the High Court. It is confirmed that the respondent attained the age of superannuation from 31/07/2010.

6. Considering the above, I do not find that this petition needs to be entertained in view of the subsequent events. The learned Advocate for the original complainant submits on instructions that the proportionate balance amount of the benefits for the period 1975 to 1978, is being waived by the respondent on the condition that this petition should be disposed off and the litigation should be brought to an end.

7. I find that this is a fair submission since the respondent has already received the entire benefits and it is only for a minor period from 1975 to 1978 that would have to be considered if this petition is to be entertained, despite the fact that the respondent was regularized from 1978. He has superannuated about 9 years ago and is approximately 68 years of age today.

8. In view of the above and by taking into account the documents collectively marked as 'X' and the statement made on instructions on behalf of the respondent, this petition stands disposed off. The impugned judgment of the Industrial Court stands implemented. Rule is discharged.

9. As such, the Criminal ULP complaint No. 43/2003 pending before the Labour Court at Jalgaon and Application (MRTU) No. 2/2005 pending before the Industrial Court at Jalgaon, stand disposed off and both the Courts shall pass formal orders disposing off both these cases.

(RAVINDRA V. GHUGE, J.)

shp/-