

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

WRIT PETITION NO.1791 OF 2019

MUNICIPAL COUNCIL PATHRI THROUGH ITS CHIEF OFFICER
VERSUS
KADRI FASIYODDIN KHURSHID

...

Advocate for the Petitioner : Shri Tripathi Manish P.
Advocate for the Respondent : Shri Chavan Sudhir K.

...

CORAM: RAVINDRA V. GHUGE, J.

DATE :- 13th November, 2019

Per Court:

1 The petitioner Municipal Council has challenged the judgment of the Labour Court dated 14.09.2017 by which, the Application (IDA) No.20 of 2015 filed by the respondent/employee has been allowed under Section 33-C(2) of the Industrial Dispute Act, 1947 and the following order has been passed:-

- "1) Application is partly allowed.
- 2) The respondent is hereby directed to pay the arrears of wages to the applicant from 30/05/2012 to Dec. 2014 in the pay scale of Rs.2550-3200 as per the order dtd.16/05/2005 issued by Chief Officer, Nagar Parishad, Pathri.
- 3) The respondent is directed to pay the above mentioned arrears of wages within 3 months from the date of this order unless they will be liable to pay 6% interest on said amount.
- 4) The judgment is dictated and pronounced in open court."

2 I have considered the strenuous submissions of the learned Advocates for the petitioner and the respondent. With their assistance, I have gone through the petition paper book.

3 The impugned order under Section 33-C(2) of the Industrial Dispute Act, 1947 is a result of the judgment delivered by the Labour Court dated 30.05.2012, by which the Complaint (ULP) No.5/2011 filed by the employee challenging his discontinuation/ termination, was partly allowed. The said order was assailed by the petitioner in Revision (ULP) No.47/2012 before the Industrial Court, which was dismissed by judgment dated 25.03.2013. Thereafter, the petitioner approached this Court in Writ Petition No.3100/2013, which was partly allowed by the learned Single Judge of this Court vide judgment dated 22.10.2013 and the respondent as well as similarly situated employees were deprived of the back wages. The petitioner approached the Honourable Supreme Court, which has dismissed the S.L.P., admittedly.

4 In view of the above, the payment of wages from the date of the judgment of the Labour Court, was an issue in the proceeding under Section 33-C(2) of the Industrial Dispute Act, 1947 leading to the impugned judgment dated 14.09.2017.

5 At this juncture, the learned Advocate for the petitioner submits that, if this Court is not inclined to entertain this petition, the amount assessed by the Labour Court vide the impugned order, would be

paid to the respondent, either directly or by depositing the money in this Court, on or before 31.01.2020. The employee may thereafter, withdraw the said amount. However, this arrangement would not be an impediment in the pending proceeding before the Industrial Court, Jalna in between the same parties and all contentions of the parties in the said proceeding be kept open. The learned Advocate for the employee is agreeable.

6 In view of the above, having recorded the statement of the petitioner with the consent of the respondent, this Writ Petition is disposed off.

kps

(RAVINDRA V. GHUGE, J.)