

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.2622 OF 2019
(M/s Shrayu Toyota Vs. Santosh s/o Kisanrao Pawar)
IN
WRIT PETITION NO.10934 OF 2018

Mr.V.D.Salunke, Advocate for the applicant.
Mr.A.A.More, Advocate for the respondent.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 04/04/2019

PER COURT :

1. After considering the submissions of the respondent/employee in this civil application, a tentative calculation was made by this Court in the order dated 29/03/2019 which reads as under :-

"1. The dispute is raised by the employee is as regards depositing of back wages as per the order of this Court dated 29/09/2018.

2. The Labour Court directed the payment of back wages @ Rs.11,675/- per month, from 13/09/2013.

3. Though the worker has placed a ready reference chart listing out the arrears, for the present, I would not go into the said calculations until I hear the learned Advocates for the respective sides on the petition. Strictly considering the order of the Labour Court under Clause 5 dated 08/12/2017, the petitioner will have to deposit back wages for 66 months beginning from October 2013 to March 2019 @ Rs.11,675/-.

This amount equals Rs.7,70,550/-.

4. *Learned Advocate h/f Mr.Salunke submits that he is not available today.*

5. *List the civil application for "passing orders" on 03/04/2019. In the meanwhile, the applicant/petitioner would consider the above stated calculations."*

2. Mr.Salunke, learned Advocate submits that an amount of Rs.1,98,912/- was deposited by the petitioner/company in this Court by making certain calculations. He submits that according to the petitioner, the said amount is appropriate.

3. I, however, find that as the Labour Court had specifically calculated the back wages @ Rs.11,675/- per month to be paid from 13/09/2013 till the reinstatement of the employee.

4. In view of the above, this application is disposed off, while granting time to the petitioner for depositing the amount. The petitioner had already deposited the amount of Rs.1,98,912/-. Mr.Salunke submits that the respondent has already been reinstated in service on 15/10/2018 and is regularly paid his monthly salary. In this situation, the back wages would be approximately Rs.7,15,000/-.

5. The petitioner/company would, therefore, deposit the residual amount in this Court, viz 7,15,000/- - 1,98,912/- = **5,16,088/-** on or before 04/05/2019.

(Ravindra V.Ghuge, J.)