

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.4497 OF 2018

IN

WRIT PETITION NO.63 OF 2014

People's Education Society,

Mumbai through its Chairman/Secretary

and another

Applicants

Versus

Sau. Chandrabhagabai Raghunath Bansode

Respondent

Mr.S.N.Pagar advocate for the applicants

Mr.R.P. Bhumkar advocate for Respondent

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CORAM : **RAVINDRA V. GHUGE, JUDGE**

(Date : 15th March, 2019)

PER COURT :-

1 The applicant-management is the petitioner in Writ Petition No.63 of 2014. The Judgment of the Industrial Court dated 21.9.2013 delivered in Complaint ULP.No.99/2007 has been challenged in the writ petition. Interim relief to the extent of stay to the order of compensation and costs was granted by this Court on 8.1.2014. Arrears were directed to be deposited in this Court.

2 It is informed by the learned Advocate for the management that an amount of Rs.7,83,096/- has been deposited in the Criminal ULP Proceedings before the Labour Court and the original complainant has also withdrawn the said amount.

3 The learned counsel for the employee makes a grievance that the management has wrongly calculated the difference of amount and has deposited a lesser amount before the Labour Court. The learned counsel for the management submits that the earlier Principal had calculated the amount of arrears to be paid to the employee overlooking the date of her superannuation. That is how the due amount was exaggerated. Now, the new Principal has rightly calculated the amount considering the date of superannuation of the employee.

4 Shri B.R. Kawre, learned counsel hastens to add that, notwithstanding the age of superannuation, the employee has been working till 2016 and the management has issued a retirement notice in 2016 declaring that the employee has been retired in 2011 retrospectively.

5 I do not find that this issue can be gone into in this Civil Application, keeping in view that Miscellaneous Application ULP. No.3/2014 is pending before the Industrial Court and is at the stage of recording of evidence. This issue and the arithmetical calculations can be gone into by the Industrial Court. It would thus lead to crystallizing the claim amount of the employee.

6 As such, this Civil Application is disposed off.

7 Needless to state, after the Industrial Court decides the above stated proceedings, the copy of the Judgment of the Industrial Court would be placed in the Writ Petition.

8 Civil Application No.4547/2017 is, therefore, rendered infructuous in the light of the above and stands disposed of.

**(RAVINDRA V. GHUGE),
JUDGE**

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