

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

WRIT PETITION NO.4477 OF 2006

THE STATE OF MAHARASHTRA AND ORS
VERSUS
MARUTI NATHA KHARMATE

...

AGP for the Petitioners : Shri S.W.Munde
Advocate for the Respondent : Shri Pradeep L. Shahane

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 07th December, 2019

Per Court:

1 I have heard the learned AGP on behalf of the petitioners and Shri Shahane, learned advocate, on behalf of the respondent. I have perused the order passed by this Court (Coram : R.M.Savant, J.) dated 22.02.2008 by which, rule was issued and interim relief in terms of prayer clause "D" was granted.

2 This Court has partly allowed identical Writ Petition No.3036/1997 filed by the petitioners vide judgment dated 01.12.2016. The impugned award delivered by the Labour Court in the same Reference (IDA) No.19/1988 was modified vide paragraph 9 of the judgment dated 01.12.2016, which reads as under :-

"9. This petition is, therefore, partly allowed. The impugned judgment and order is modified. In lieu of reinstatement and continuity of service, the petitioner shall pay an

amount of Rs.90,000/- as quantified compensation to the respondent within a period of twelve weeks from today, failing which an interest at the rate of 5% per annum on the said amount shall be payable from the date of the award. The said interest shall be paid from the salary of the Executive Engineer, PWD, Ahmednagar and the same shall not be paid through the State exchequer.”

3 The present writ petition is with regard to the non compliance of the same award dated 20.09.1996, which has been modified by the judgment of this Court dated 01.12.2016.

4 This Court, by order dated 22.02.2008, had admitted this petition and stayed the judgment of the Industrial Court dated 01.02.2006 and had stayed the issuance of process by the Labour Court dated 04.08.2005 in Criminal Complaint (ULP) No.3/2005.

5 Considering the above and that the impugned award itself stands modified, this Writ Petition, which is with regard to issuance of process for non compliance of the award dated 20.09.1996 is, therefore, rendered infructuous and stands disposed off. Rule is discharged.

6 Consequentially, Criminal Complaint (ULP) No.3/2005 would not survive and stands disposed off. The Registry of this Court would accordingly, intimate the Labour Court, Ahmednagar about such disposal.