

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 6640 OF 2019

Osmanabad Janta Sahakari Bank Ltd.,
Osmanabad and another Petitioners

Versus

Abasaheb S/o. Kalyanrao Deshmukh Respondent

....
Mr. A. N. Irpatgire, Advocate for the petitioners
Mr. M. D. Shinde, Advocate for respondent
.....

CORAM : RAVINDRA V. GHUGE, J.

DATED : 19TH SEPTEMBER, 2019

PER COURT:-

1. This matter was heard extensively on 10.06.2019, 02.07.2019, 12.07.2019, 30.07.2019, 06.09.2019 and today. The calculations submitted by the Management placed before the Court, admittedly on the basis of a long term settlement and the All India Consumer Price Index, have been marked as "X-2" for identification. The respondent-employee has also submitted his calculations on the basis of the All India Consumer Price Index and the same was taken on record and marked as "X-1".

2. Both the learned advocates for the respective sides concede that, had they placed these calculations before the Labour Court, it would have been better assisted and the Labour Court could have made an advantageous use of these two charts "X-1" and "X-2" while delivering the impugned judgment dt. 21.02.2019.

3. In the above backdrop, the learned advocate submit that it would be appropriate to permit these litigating sides to place these two charts "X-1" and "X-2" before the Labour Court by remitting application (IDA) No. 22/2016, purely for calculation purposes. It is an admitted position that, the calculations insofar as the dearness allowance is concerned, would rest upon the All India Consumer Price Index applicable at the relevant time in view of the long term agreement/settlement between the Management and the Workers.

4. As such, this petition is partly allowed. Though the impugned judgment dt. 21.02.2019 is not being interfered with, the direction to the extent of payment of amount set out in clause 1 and 2 in the operative part of the impugned order which is assailed, stand set aside. Application (IDA) No. 22/2016 stands remitted to the Labour Court, Latur. All the litigating sides shall appear before the Labour Court on 05.10.2019 and shall produce a copy of this order before the Labour Court. Formal notices are not necessary.

5. These litigating sides shall forthwith tender their respective charts at "X-1" and "X-2" filed in this court, along with their respective affidavits in support thereof, before the Labour Court. Both the parties are at liberty to lead additional evidence only to the extent of the calculations. The rejoinder-affidavit filed by the Bank shall be placed on record. The Labour Court may take the assistance of a senior Chartered Accountant practicing at Latur, if felt necessary, on the point of appointment of Court Commissioner. Needless to state that, the parties shall render assistance to the Labour Court and shall avoid delaying the matter and the Labour Court shall decide the said proceedings as expeditiously as possible, and in any case, on or before 15.02.2020.

6. The amount of Rs. 25,00,000/- (Rupees Twenty Five Lakhs) deposited by the petitioner-Bank in this Court in Writ Petition No. 5654 of 2017, shall be invested by the Registry in a Nationalized Bank at Aurangabad, for an initial period of six (6) months. None of the parties would be granted liberty to withdraw the said amount within this period till the Labour Court decides the issue.

7. Needless to state that, the Writ Petition No. 5654 of 2017, which is pending in this court, would be taken up for hearing after the Labour Court delivers its order.

[RAVINDRA V. GHUGE]
JUDGE

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