

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

WRIT PETITION NO.10060 OF 2018

**THE MANAGING DIRECTOR CURE LIFE CARE PRIVATE
LIMITED
VERSUS
RAVINDRA BHAWANRAO POHRE**

...

Advocate for the Petitioner : Shri R. B. Narvade Patil
Advocate for the Respondent : Shri P. D. Jarare

...

CORAM : RAVINDRA V. GHUGE, J.

DATED : 28th FEBRUARY, 2019.

...

PER COURT :

1. On 25/02/2019, after the petitioner deposited an amount of Rs. 1,25,000/- in this Court, I had passed the following order :-

" 1. *This matter is heard briefly.*

2. *Learned counsel for the petitioner seeks a remand on the ground that the impugned award is ex-parte.*

3. *The learned counsel for the original applicant points out that the Labour Court notice was served on the petitioner by RPAD and no appearance was entered. On the issue of remand, he submits that he may be permitted to withdraw 75% of the amount with an undertaking and the matter may be remanded. In the*

alternative, he submits that he is willing to waive Rs.25,000/- and receive lump sum amount of Rs.1,00,000/- as compensation and the proceedings can be brought to an end.

4. Ex-facie, I do not find that the petitioner has made an honest statement to the Court since the address before the Labour Court on which the notice is said to be served, is the same address quoted by the petitioner while preferring this Writ Petition.

5. Learned counsel for the petitioner seeks time to take instructions on the proposal noted above.

6. Stand over to 28.02.2019, for passing orders."

2. The learned Advocate appearing on behalf of the petitioner submits that as a one time comprehensive settlement and without laying down any precedent, the petitioner is agreeable for permitting the respondent to withdraw an amount of Rs. 1,00,000/- from this Court as a full and final settlement of his claim. The remaining amount of Rs. 25,000/- be returned to the petitioner.

3. The learned Advocate for the respondent submits, on instructions, that he is agreeable.

4. In view of the above, this petition is partly allowed. The

impugned judgment of the Labour Court dated 12/09/2017, in Application (IDA) No. 12/2017, stands modified in terms of the following directions :-

(a) The respondent shall withdraw an amount of Rs. 1,00,000/- from this Court towards the full and final settlement of his claim set out in the proceedings under Section 33-C(2) of the Industrial Disputes Act, 1947.

(b) The respondent would now be precluded from raising this claim under Section 33(C)(2) or any similar provision before any Court/authority with reference to the cause of action set out in Application (IDA) No. 12/2017.

(c) The petitioner shall withdraw an amount of Rs. 25,000/- from this Court.

(d) The dispute between the two parties with reference to the cause of action set out in Application (IDA) No. 12/2017 stands settled.

(RAVINDRA V. GHUGE, J.)

shp/-