

**IN THE HIGH COURT OF BOMBAY AT GOA****WRIT PETITION NO. 728 OF 2012**

M/s. Herald Publications Pvt. Ltd.,  
Through its Printer & Publisher,  
Having Office at Rua St. Tome,  
P. O. Box160,  
Panagji-Goa 403 001.

.... Petitioner

V e r s u s

1. Mamlatdar of Tiswadi,  
Having office at Collectorate  
Building, Panaji-Goa.

2. Commissioner of Labour and Employment,  
Government of Goa,  
Having office at Shram Shakti Bhavan,  
2<sup>nd</sup> floor, Patto Plaza,  
Panaji-Goa  
(Amendment carried out as per order  
dtd. 23/10-/2012)

3. Shri Sagar Shirodkar,  
Major in age,  
r/o H. No.1025, 1<sup>st</sup> Bairro St. Cruz,  
Ilhas Goa 403 005.

..... Respondents.

Shri S. M. Singbal for the Petitioner.

Shri Amir Jamadar, Additional Government Advocate for the Respondents  
no.1 and 2.

Shri Gaurish Agni with Tanmay Gawas, Advocates for the Respondent no.3.

**CORAM: C. V. BHADANG, J.**

**Date: 22<sup>nd</sup> February, 2019.**

**J U D G M E N T:**

The challenge in this petition is to the validity of the Recovery Certificate dated 25/6/2012 issued by the Commissioner, Labour and Employment under section 33-C of the Industrial Disputes Act, 1947 holding the third respondent being entitled to recover an amount of Rs.80,604/- (Rupees Eighty thousand six hundred and four only) along with interest at the rate of 12% p.a. from the petitioner.

2. The petitioner in pursuance of an order dated 23/10/2012 has deposited an amount of Rs.80,604/- before this Court which was invested. As per the report dated 20/2/2019 from the office, the present money value of the deposit is Rs.1,22,743/- (Rupees One lakh twenty two thousand seven forty three only).

3. After hearing the parties for some time, an attempt was made to see whether the parties can arrive at an amicable settlement in so far as the present issue is concerned and with the active assistance of the learned counsel for the parties, the petitioner has agreed that the third respondent can

withdraw an amount of Rs.1.00 lakh from out of the amount lying before this Court and the remaining amount can be returned to the petitioner.

4. Mr. Agni, the learned counsel for the third respondent, on instructions, states that the third respondent has no objection for the same.

5. Before parting with the final order it is necessary to put on record the appreciation of this Court towards the efforts taken by the learned counsel for the parties in bringing about the amicable settlement of a long standing dispute.

6. In the circumstances and by consent of parties, the following order is passed:

**ORDER:**

The petitioner gives up the challenge to the impugned Recovery Certificate subject to the following conditions:

- (i) From out of the amount deposited before this Court, Rs.1.00 lakh (Rupees One lakh only) shall be paid to the third respondent and the remaining amount along with interest, if any, shall be paid to the petitioner.
- (ii) This shall be without prejudice to any other claim of the third respondent, if available under law.

(iii) Rule is made absolute in the aforesaid terms with no order as to costs.

**C. V. BHADANG, J.**

**Ap/**