

Urmila Ingale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 2396 OF 2015

Shri Vinod Babulal Sheth .. Petitioner
Vs.
Wallace Pharmaceuticals Pvt.Ltd. and anr. .. Respondents

Mr.K.S.Bapat I/b Mr.P.B. Kulkarni, for the Petitioner.
Mr.S.S.Inamdar, for Respondents No.1 & 2.

CORAM : M.S.KARNIK, J.

DATE : 19th MARCH, 2019

P.C. :

. Rule. The respondents waive service. By consent,
Rule made returnable forthwith and heard finally.

2. Heard learned Counsel for the petitioner and learned
Counsel for the respondents.

3. By the order dated 28/12/2011, the Labour Court,
Solapur has granted reinstatement with 50% back-wages to be
paid to the petitioner-workman within a period of one month

from 28/12/2011. Even the revision filed by the workman as well as Management came to be dismissed. Workmen had filed revision before the Industrial Court claiming the remaining 50% of the back-wages. The Management have challenged the reinstatement and awarding 50% of back-wages and continuity of service. In view of the dismissal of the revision and as there is no further challenge by the Management to the order passed by the Industrial Court, the order of the Labour Court as regards reinstatement and awarding 50% of back-wages has attained finality.

4. Learned Counsel for the petitioner has filed present Petition challenging the order of the Labour Court for claiming remaining 50% back-wages. Learned Counsel for the petitioner pointed out that the petitioner filed proceedings under sections 48 & 50 of MRTU and PULP Act for recovery of 50% of back-wages. Learned Counsel for the petitioner and respondent submit that there is some dispute in the calculation. The respondent – Management has deposited Rs.11,45,445/- in the

Labour Court under protest. I am of the opinion that this amount which has been deposited as per the order of the Labour Court being 50% of back-wages which has attained finality, the petitioner- workman can be permitted to withdraw the amount of Rs.11,45,445/- which has been deposited with the Labour Court subject to final computation as may be made in the proceedings under sections 48 & 50 of MRTU and PULP Act. The petitioner is at liberty to withdraw the amount deposited.

5. In this view of the matter, there is now no occasion for taking any coercive steps against the Management as Labour Court now has to compute the exact quantum of 50% of the back-wages. Labour Court is requested to decide quantum expeditiously. In case the computation exceeds the amount already paid to the petitioner, then balance be paid over to him by the respondent.

6. Rule is made absolute in the above terms.

(M.S.KARNIK, J.)