

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.5080 OF 2018

Karuna Raju Naik

... Petitioner

Versus

Maharashtra State Road Transport
Corporation and another

... Respondent

.....

Mr. Avinash Jalisatgi i/b Vaibhav Jagdale for the Petitioner.

Mr. Yashodeep P. Deshmukh for Respondent No.1.

Mr. Dhananjay Chandrakant Shivdas - Divisional Labour Officer
present.

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CORAM : M. S. KARNIK, J.

DATE : 25th MARCH, 2019.

P. C.:

1. Rule. Rule made returnable forthwith and heard with consent of the learned Counsel for the parties, finally.

2. Heard learned Counsel at some length. The Labour Court while allowing the complaint of unfair labour practices filed by the petitioner Corporation directed reinstatement of the petitioner with continuity of service and 50% back wages. The Revisional Court in Revision filed under Section 44 of the MRTU and PULP Act, 1971, rejected the Revision. The Industrial Court also rejected the Revision which was filed by the respondent - Corporation against the order passed by the Labour Court.

3. The learned Counsel for the respondent-Corporation, on instructions of the officer present on behalf of respondent submitted that the Corporation is willing to comply with the order dated 08/10/2014 of the Labour Court and informs that the

respondent has no objection if Clause (3) of the order dated 08/10/2014 of the Labour Court is suitably modified by this Court, as;

“3) The complainant be reinstated with continuity of service and 60% back wages.”

4. The petitioner is already reinstated. Learned Counsel for the respondent, on instructions makes a statement that this amount of 60% back wages in terms of the order of Labour Court dated 08/10/2014 would be paid to the petitioner within a period of eight weeks from today. The statement is accepted.

5. This modification is acceptable to the petitioner who is personally present in the Court today and agrees not to make any further claim regards the quantum of such wages. It is made clear that the petitioner shall not claim any interest if this amount is paid within a period of eight weeks from today.

6. In this view of the matter, the writ petition is partly allowed. Clause (3) of the operative order dated 08/10/2014 of the Labour Court be now read as “*The complainant be reinstated with continuity of service and 60% back wages.*”

7. Writ petition is disposed of. Rule is made partly absolute in above terms with no order as to costs.

(M. S. KARNIK, J.)