

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

**WRIT PETITION NO. 5952 OF 2016
WITH
CIVIL APPLICATION NO. 98 OF 2019**

Mutha Engineering Pvt.Ltd.	...Petitioner
vs	
Shri Nitin Dinkar Jadhav	...Respondent/Applicant

**AND
WRIT PETITION NO. 5948 OF 2016
WITH
CIVIL APPLICATION NO. 100 OF 2019**

Mutha Engineering Pvt.Ltd.	...Petitioner
vs	
Shri Nitin Dinkar Jadhav	...Respondent/Applicant

Mr.V.S. Talkule for Applicant/Original Respondent No.1.
Mr.N.A. Kulkarni for Respondent/Original Petitioner.

CORAM : S.C.GUPTE, J.

DATE : 20 FEBRUARY 2019

P.C. :

It is agreed between learned Counsel for both parties that so far as Writ Petition No.5952 of 2016 and Civil Application No.98 of 2019 taken out therein are concerned, nothing survives in them as the Applicant employee has been reinstated. The petition and the civil application are accordingly disposed of as infructuous.

2 Learned Counsel for the parties agree that Writ Petition No.5948 of 2016 may be disposed of by remanding the revisions applications to the Industrial Court at Satara after setting aside the

impugned order dated 18 January 2016 by consent.

3 The writ petition is, accordingly, allowed by setting aside the impugned order dated 18 January 2016 and remanding both revision applications, namely, Revision Application (ULP) Nos. 57 of 2014 and 8 of 2015, to the Industrial Court at Satara for a fresh hearing in accordance with law. It is clarified that the contest before the Industrial Court shall now pertain only to backwages, that is to say, whether full backwages should be ordered or whether the award of Rs.2 lakhs in lieu of backwages should be maintained or whether nothing should be awarded towards backwages. Since now the revisions can be decided on oral submissions of the parties and they merely involve an issue of backwages, the Industrial Court is expected to dispose of the revision applications as expeditiously as possible and preferably within a period of three months from today.

4 Parties to appear on 25 February 2019 at 11.00 a.m. before the Industrial Court at Satara when suitable directions can be passed for chalking out the schedule of hearing of the revision applications. It is agreed between learned Counsel for the parties that at this stage, till the revision applications are disposed of by the Industrial Court, the Applicant/Petitioner shall not be entitled to withdraw any amount from the amount of backwages deposited by the Respondent in the Industrial Court at Satara.

(S.C. GUPTE, J.)