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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7373 OF 2017

METL Box India Ltd. And Anr.

...Petitioners

vs

Varghese Joseph Adn Anr.

...Respondents

.....

Mr. Kiran Bapat, a/wj. Ms. Melanie D'Souza, i/b. Tejpal & Co., for the
Petitioner.

Mr. J.M. D'silva, a/w. Mr. Rutash Jadhav and Ms. Jacqueline D'Silva, for
Respondent Nos. 1 and 2.

.....

CORAM : S.C. GUPTE, J.

DATED: 12 DECEMBER, 2019

P.C. :

. This writ petition challenges an order passed by the Industrial Court at Mumbai on a recovery application arising out of a complaint of unfair labour practice. After the matter is heard, learned Counsel for both parties request the Court to pass final order without stating any reasons. Learned Counsel for the Petitioners has stated before the Court that the Petitioners are willing to treat Respondent No.1 on par with other workers of Mahul Unit and work out his dues accordingly. There is a sanctioned scheme (approved by Delhi High Court), which inter alia requires settlement of the workmen's dues on the basis of a lock-out declared in the Petitioner Company. Respondent No.1 will be entitled to a sum of Rs.2,73,691/- in accordance with this scheme. However, in the peculiar facts and circumstances of this case

and clarifying that this shall not be treated as a precedent in any other case, this Court orders a further sum of Rs.2,76,309/- towards costs to Respondent No.1. The aggregate amount of Rs.5 lakhs, computed thus, shall be paid to Respondent No.1 within a period of four weeks from today.

2. Considering the disposal of the petition, the pending proceedings, i.e. Miscellaneous Criminal Complaint No.2 of 2017 in the Third Labour Court at Mumbai and Miscellaneous Application (ULP) No.7 of 2016 in Complaint (ULP) No.532 of 2007 in the Industrial Court at Mumbai, do not survive. Suitable disposal orders may be passed by the respective courts upon this order being produced before them by either of the parties. The Petitioners, through the Provident Fund Trust, shall extend all assistance to Respondent No.1, as may be in order, having regard to the facts of the case, to enable the latter to seek Provident Fund dues. The petition is disposed of accordingly.

Smita
Gonsalves

Digitally signed by
Smita Gonsalves
Date: 2019.12.21
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(S.C. GUPTE, J.)