

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.1895/2017

Ambadas S/o Dashrath Badodekar

..Vs..

Amit Drinks Pvt. Ltd.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri C.V. Jagdale, Advocate for the petitioner.
Shri B.C. Pal, Advocate for the respondent.

CORAM : Z.A. HAQ, J.

DATE : 6.3.2019.

Heard.

By order dated 14th July 2016, the Industrial Court allowed the complaint filed by the petitioner / employee under Section 28 of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971, however, instead of granting the relief as sought by the employee and directing his reinstatement with back-wages, the Industrial Court directed the respondent / employer to pay Rs.1,25,000/- as compensation in lieu of reinstatement and back-wages. Being dissatisfied with the order, the employee has filed this petition. The employee has prayed that the employer be directed to reinstate him with back-wages.

Learned Advocate for the respondent / employer has pointed out that in compliance with the directions of the Industrial Court, the employer had sent demand draft of Rs.1,25,000/- to the employee and the employee has accepted it on 29th August, 2016 and then

the petition is filed on 20th September, 2016.

According to the petitioner, the demand draft was in a sealed envelope and, therefore, without knowledge that the employer had sent demand draft of Rs.1,25,000/-, the envelope was accepted. It is argued that even otherwise only because the petitioner / employee has accepted the demand draft of Rs.1,25,000/- he cannot be deprived of pursuing his legitimate claim before this Court.

The facts on record show that the petitioner accepted the demand draft and encashed it and then decided to challenge the order passed by the Industrial Court. In the facts of the case, in my view, the petitioner is *estopped* from challenging the order passed by the Industrial Court. Apart from this, on merits also I find that the Industrial Court has properly appreciated the evidence on record and the conclusions of the Industrial Court recorded in paragraph No.31 of its order cannot be faulted with.

In view of the above, I see no reason to interfere with the impugned order. The writ petition is **dismissed**. No costs.

JUDGE