

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

WRIT PETITION NO.1018/2019

Maharashtra State Cooperative Adivasi Vikas Mahamandal and others

..Vs..

Vasanta S/o Watuji Kannake

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

Court's or Judge's orders

Shri M.V. Samarth, Advocate for the petitioners.

CORAM : Z.A. HAQ, J.

DATE : 12.2.2019.

Heard.

The employer has challenged the order passed by the Industrial Court directing it to pay the amount of Rs.2,89,044/ with interest to the respondent / employee towards gratuity. The Industrial Court has recorded that inspite of several requests in writing and notice issued by the respondent / employee, the employer failed to pay / deposit the amount of gratuity and leave encashment to the respondent / employee. The defence of the employer is that some amount was required to be recovered from the respondent / employee. The Industrial Court has recorded that the respondent / employee had informed the employer in writing that whatever recovery was proposed, it be made and the balance amount be paid to the employee. The Industrial Court has recorded that the employer has not been able to justify its action of withholding the entire amount. The petitioners / employer have not been able to point out that the

findings recorded by the Industrial Court suffer from any illegality or perversity which necessitates interference by this Court in the extraordinary jurisdiction. I see no reason to interfere with the impugned order. The writ petition is **dismissed**. No costs.

The impugned order is dated 6th June, 2018. The Industrial Court has directed to pay interest at the rate of 10%. As per the directions of Industrial Court, the employer was required to pay amount within two months from 6th June, 2018. On query, learned Advocate for the petitioner has submitted that the amount is not yet paid to the respondent / employee.

If the amount as directed by the Industrial Court is not paid to the respondent / employee till 19th April 2019, the Managing Director of petitioner No.1 Mahamandal and Regional Managing Director of petitioner Mahamandal shall pay the amount of interest receivable by the respondent / employee. The amount of interest shall be recovered from the emoluments payable to the above referred officials and should be paid directly to the respondent / employee.

JUDGE