

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**952 CIVIL APPLICATION NO.15117 OF 2019
IN WRIT PETITION NO. 3177 OF 2008**

RAJKUMARBABAN MAHABADE
VERSUS
STATE BANK OF INDIA

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Advocate for the Applicant : Shri P. P. Kothari
Advocate for the Respondent - sole : Shri S. A. Kulkarni

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CORAM : RAVINDRA V. GHUGE, J.

DATED : 13th MARCH, 2020

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PER COURT :

1. Both the learned Advocates for the respective sides submit that they have no objection if this Court decides this case.

2. By this application, the Applicant - original respondent in the Writ Petition prays for the benefits of Section 17B of the Industrial Disputes Act, 1947 which reads as under :-

1. 17B. Payment of full wages to workman pending proceedings in higher courts.-Where in any case, a Labour Court, Tribunal or National Tribunal by

its award directs reinstatement of any workman and the employer prefers any proceedings against such award in a High Court or the Supreme Court, the employer shall be liable to pay such workman, during the period of pendency of such proceedings in the High Court or the Supreme Court, full wages last drawn by him, inclusive of any maintenance allowance admissible to him under any rule if the workman had not been employed in any establishment during such period and an affidavit by such workman had been filed to that effect in such Court.

Provided that where it is proved to the satisfaction of the High Court or the Supreme Court that such workman had been employed and had been receiving adequate remuneration during any such period or part thereof, the Court shall order that no wages shall be payable under this section for such period or part, as the case may be."

3. The learned Advocate for the Petitioner bank further submits that the matter has been referred to a private agency to investigate as to whether the Applicant is really in employment or not. He, therefore, seeks time.

4. The petition has been admitted by an order dated 25/04/2008 and interim relief in terms of prayer Clause 'C' staying award, was granted.

5. The law on Section 17B is now well settled. If an award is challenged in the High Court or even before the Honourable Apex Court, the employee who is granted reinstatement, is entitled to the last drawn wages as on date of his disengagement.

6. The learned Advocate for the Applicant submits that the Petitioner bank would be killing time by referring the matter to a private investigation agency. He has filed a specific affidavit declaring that he is not in gainful employment. He is, therefore, entitled to the benefits of Section 17B.

7. List the Writ Petition on 02/04/2020, for final hearing. Until then, in view of Section 17B, the Petitioner shall, initially, deposit an amount of Rs. 1,000/- towards the month of March-2020.

8. List Writ Petition No. 6340/2008 alongwith this petition for final hearing on 02/04/2020.

(RAVINDRA V. GHUGE, J.)

shp/-