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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION (STAMP) NO.28018 OF 2019

Mr. Ramugra Khadura Kahal

...Petitioner

vs

M/s. Daljit Engineering Works And Anr.

...Respondents

.....

Ms. Vaishali Jagdale, for the Petitioner.

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CORAM : S.C. GUPTE, J.

DATED: 13 JANUARY, 2020

P.C. :

. Heard learned Counsel for the Petitioner. This petition challenges an order passed by the Labour Court at Thane on an application made under Section 33C(2) of the Industrial Disputes Act, 1947 for recovery of dues. The dues were said to be retrenchment compensation payable to the Petitioner herein along with notice pay and leave wages and bonus. The application was rejected by the Labour Court principally on the footing that there was no pre-existing right in the Applicant to claim the compensation. The Petitioner's right to notice pay, bonus or leave wages has not been adjudicated by any court or authority and, in the premises, it was impermissible for the Labour Court to order any compensation under Section 33C(2) of the Industrial Disputes Act. There is, accordingly, no merit in the writ petition. The writ petition is dismissed.

(S.C. GUPTE, J.)