

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.13054 OF 2019

The Manager,
Shramjivi Nagari Sahakari Patsanstha
Maryadit & Anr.

...Petitioners

vs

Sudam Babanrao Gadekar

...Respondent

.....

Mr. Pavan S. Patil for the Petitioners.

Mr. Chandrakant Karkhanis for the Respondent.

.....

**CORAM : S.C. GUPTE, J.
DATED: JANUARY 07, 2020**

P.C. :

This Writ Petition challenges an order passed by the Industrial Court at Pune on a complaint of unfair labour practice filed by the Respondent herein.

2. One of the chief grounds of objection to the impugned order on the part of the Petitioners herein (original respondents) is that the original complaint filed in respect of a letter issued on 16th March, 2013 to the Respondent herein was rendered infructuous during its pendency, since the letter was withdrawn by the Petitioner herein. It is submitted that the Respondent herein was allowed to introduce an altogether new cause of action concerning increment for the period from 1st April 2012 to 31st March, 2015 together with

yearly incentive and bonus for the year 2013-2014 in such infructuous complaint.

3. After the matter is heard at some length, it is agreed between learned Counsel for the parties, on instructions of their representative clients, that the impugned order of the Industrial Court, directing the Petitioner herein to release yearly increments, incentives and bonus may be quashed and set aside with liberty reserved unto the Respondent herein (original complainant) for raising the same demand by way of a fresh complaint before the Industrial Court. The Petitioner herein (original respondents), for its part, makes a concession that it will agree to condonation of delay, if any, in filing this complaint and shall not oppose the new complaint on the basis of the bar of limitation. The impugned order of the Industrial Court dated 04th June, 2019 is accordingly quashed and set aside with liberty to the original complainant to file a fresh complaint in respect of yearly increment for the period from 01st April 2012 to 31st March, 2015 and for yearly incentives and bonus for the year 2013-2014. The respondent to the complaint shall not raise the issue of bar of limitation and delay, if any, shall be treated as condoned.

4. The Writ Petition is disposed of accordingly.

5. All the rights and contentions of the parties on merits of the controversy are kept open.

(S.C. GUPTE, J.)