

Sequeira

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

WRIT PETITION NO. 13124 OF 2019

Shankar Gurubassapa Jabgond

.. Petitioner

Vs

The State of Maharashtra and others

.. Respondents

Mr.Umesh Pawar, for the Petitioner.

Mr.Vikas Mali-Addl. Government Pleader, for Respondent No.1.

***CORAM : NITIN JAMDAR &
M.S.KARNIK, JJ.***

Date : 17 February 2020.

P.C. :

By this Petition, the Petitioner has challenged the decision dated 27 November 2019 taken by Respondent No.3- Divisional Controller in not extending benefit of a policy adopted by Respondent No.3 in respect of reducing pendency of their litigation, to settle the dispute with the Petitioner. Petitioner seeks direction to the Respondents that in view of the circular dated 1 March 2019, the Respondents should settle the proceedings pending in the Industrial Court as per the terms of the proposal submitted.

2. We have perused the impugned communication dated 27 November 2019 and the circular dated 1 March 2019. In the communication dated 27 November 2019 the Respondents have

stated that the proposal of the Petitioner for settlement does not fall within the ambit of their policy. The learned Counsel for the Petitioner sought to contend that the Respondents are seeking to discriminate between the employees and the circular dated 1 March 2019 also covers proceedings at all levels.

3. The circular dated 1 March 2019 refers to pendency of large number of cases where the Respondent Corporation is involved. It also refers to various suggestions received to reduce the litigation. Before enumerating the modalities of how proposals are to be received and settled, criteria has been specified in clause (1) of the circular. Reading of this criteria indicates that where an employee has approached a Labour Court and where there is a stay granted to the dismissal of an employee or this order of dismissal is quashed and challenge to such order is taken higher by the Respondent-Corporation where there is no stay such matters will not be pursued further by the Corporation. This would indicate that wherever there is one judicial verdict in favour of an employee the Corporation may consider not pursuing the challenge further.

4. In the present case, Petitioner's complaint has been dismissed by the Labour Court and his Revision in the Industrial Court is pending. In these circumstances, we do not find that there is any error in the view taken by the Respondent-Corporation that the Petitioner's case does not fall in that circular dated 1 March 2019. No

writ can be issued to Respondent-Corporation to force them to settle the dispute in these circumstances. The Petitioner's pending revision application will be decided as per law.

5. Writ Petition is disposed of.

M.S.KARNIK, J.

NITIN JAMDAR, J.