

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

WRIT PETITION NO.3876 OF 2019

The Municipal Council, Osmanabad,
through Chief Officer ..Petitioner

Vs.

Muraji Govind Parmar and anr. ..Respondents

Mr.M.B.Kolpe, Advocate h/f. Mr.V.B.Deshmukh, Advocate for
petitioner

Mr.R.V.Naiknaware, Advocate for respondent no.1

**AND
CIVIL APPLICATION NO.13389 OF 2019
IN
WRIT PETITION NO.3876 OF 2019**

Muraji Govind Parmar ..Applicant

Vs.

The Municipal Council, Osmanabad,
through Chief Officer ..Respondents

Mr.R.V.Naiknavare, Advocate for applicant

Mr.M.B.Kolpe, Advocate h/f. Mr.V.B.Deshmukh, Advocate for
respondent no.1

**CORAM : R.G. AVACHAT, J.
DATE : JANUARY 12, 2021**

ORDER :-

Heard learned counsel for the parties.

2. Leave to amend title clause of Writ Petition and Civil Application so as to correct the name of respondent no.1 in the petition and the applicant in the Application. Amendment be carried out forthwith.

3. The challenge in this Writ Petition is to the order passed by the Industrial Court, Latur, in Complaint/U.L.P./96 of 2016 on 31.10.2017.

4. The petitioner – Municipal Council, Osmanabad, did not file written statement before the Industrial Court. The petitioner was proceed *ex-parte*. The Industrial Court allowed the complaint with a direction to the petitioner to compute the monetary benefits payable to complainant (respondent no.1 herein), within a period of two months from the date of the order with a further direction to pay arrears of pension and other pensionary benefits, within three months from the date of the order.

5. Learned counsel for the petitioner would urge for remand of the matter. He would further submit that the petitioner would file its written statement and co-operate with the Industrial Court to decide the matter within a time frame of two months. According to him, respondent no.1 may be entitled for pensionary benefits. Respondent no.2 did not make it clear from what funds, he had been paid salary. Since the petitioner was employer of respondent no.1, it is in the know, whether respondent no.1 was paid salary from consolidated funds or otherwise. Be that as it may.

6. So far as prayer for remand of the matter, learned counsel for respondent no.1, after having made submissions on merits of the matter, came around to leave it to the court whether to grant the prayer for remand.

7. Since the petitioner was proceeded *ex-parte* before the Industrial Court, it is desirable to grant it an opportunity of hearing.

8. In view of the above, I pass following order :-

(i) The Writ Petition is allowed by setting aside the impugned order and remanding the matter back to the Industrial Court to decide it afresh, after giving the petitioner and the respondents as well an opportunity of hearing.

(ii) The petitioner is directed to file written statement immediately.

(iii) Learned Member of the Industrial Court shall decide the Complaint/ULP/96 of 2016 within a period of three months from the date of receipt of copy of this order.

(iv) Parties shall appear before the Industrial Court, Latur, on 27.01.2021.

(v) Civil Application also stands disposed of.

[R.G. AVACHAT, J.]

KBP