

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

WRIT PETITION NO.8010 OF 2017

THE CHIEF EXECUTIVE OFFICER ZP NANDED AND OTHERS
VERSUS
PANDURANG DNYANOBA SONKAMBLE AND ANOTHER

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Advocate for the Petitioners : Shri Kadam Nitin S.
AGP for Respondent 2 : Shri A.A. Jagatkar
Advocate for Respondent 1 : Shri S.B. Patil

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CORAM: SMT. BHARATI H. DANGRE, J.

DATE :- 24th February, 2022

Per Court:

1. By order dated 09.02.2022, though I had upheld the impugned order passed by the Labour Court, it was informed to me that the employee was terminated in the year 2009 and therefore, he had filed another Writ Petition No.9642/2011, which is pending for adjudication.

2. There appears to be an error on the part of both the learned counsel in communicating correct facts to this Court.

The learned counsel for the employee states that Writ Petition No.9642/2011 was filed for regularization of services and it is not the correct statement on his part that the services of the employee were terminated in the year 2009.

3. In the wake of the aforesaid statement now being clarified,

since I had recorded that if the employee was terminated, there was no question of paying minimum wages to him, deserves to be revoked from the order dated 09.02.2022, with the clarification that since the employee is continued in service, though under a different scheme and different nomenclature, he shall be continued to govern by the terms and conditions of his employment.

4. As far as the impugned judgment and order, which directs the payment of minimum wages upto the judgment dated 19.10.2016, the amount of arrears in terms of the order is to the tune of Rs.6,80,000/-, which is deposited in this Court and out of which, Rs.4 lacs were permitted to be withdrawn whereas, the remaining amount of Rs.2,80,000/- is deposited in the nationalized bank for a period of three years, it was in terms of the order of this Court dated 06.10.2017. In the wake of the impugned order being upheld and the writ petition being dismissed, the respondent/ employee is permitted to withdraw the remaining amount along with interest accumulated thereon.