

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1353 OF 2020

Mr.Mugutrao Sopan Shinde

...Petitioner

Vs.

Tata Motors Ltd.

... Respondent

NILAM
SANTOSH
KAMBLE

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by NILAM
SANTOSH
KAMBLE
Date: 2022.08.06
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Mr.Avinash N. Naikwadi for the Petitioner.

Mr.Kiran Bapat i/b Haresh Mehta & Co. for the Respondent.

CORAM : C.V. BHADANG, J.

DATE : 4 AUGUST 2022

P.C.

. This Petition is taken up for final disposal by consent of parties.

2. The Petitioner is challenging the order dated 11 December 2019 passed by the Labour Court No.2 at Pune in Reference (IDA) No.252 of 2016 below Exhibit-C-10, by which the Labour Court has directed the Petitioner to deposit an amount of Rs.5 Lakhs within two months from the passing of the order. The aforesaid reference is made at the instance of the Petitioner challenging the order by which he was relived from service of the Respondent-Tata Motors Ltd, by accepting his resignation.

3. According to the Petitioner, resignation was not voluntary and it was obtained by coercion. Indisputably, the Petitioner after the acceptance of the resignation was relieved and was paid an amount of Rs.9,60,728/-, excluding leave encashment and Provident Fund.

4. The learned Labour Court, placing reliance on the decision of the Supreme Court in case of *Mansingh V/s. Maruti Suzuki India Ltd.*¹ has directed a part of the said amount i.e. Rs.5 Lakhs being deposited by the Petitioner. It is this order is subject matter of challenge in this Petition.

5. I have heard the learned counsel for the parties.

6. The only contention raised on behalf of the Petitioner is looking to the financial condition of the Petitioner, the Petitioner is not in a position to deposit the amount. The learned counsel for the Petitioner was asked to take instructions from the Petitioner as to how much amount he can deposit and the time line for such time.

7. The learned counsel for the Petitioner submitted that if the Petitioner is ready and willing to deposit, certain amount, the quantum may be appropriately modified. The extent of the modification, has been left to the discretion of this Court.

1 2011 (III) CLR 309

8. I have considered the submissions made. As noticed earlier the learned Labour Court has already shown indulgence while directing deposit of the amount of Rs.5 Lakhs. Although the Petitioner had received an amount of Rs.9,60,728/-, excluding leave encasement and Provident Fund. However, considering the financial condition and the difficulty encountered by the Petitioner and the concession on behalf of the Respondent, the Petition is partly allowed. The impugned order is hereby modified. The Petitioner-Second Party shall deposit an amount of Rs.4 Lakhs before the Labour Court at Pune out of which Rs.2 Lakhs shall be deposited within six weeks from today and the balance amount within six weeks thereafter.

The Petition is disposed of in the aforesaid terms, with no order as to costs.

C.V. BHADANG, J.