

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

MISC. CIVIL APPLICATION NO.743 OF 2016
IN
WRIT PETITION NO.395 OF 2016 (REJ)
IN
WRIT PETITION STAMP NO.5450 OF 2016

Nagpur Mahila Nagri Sahakari Bank
Limited, through its Administrator,
Office at Shriswami Arcade,
4th Floor, Plot No.1, Buti Layout,
West High Court Road,
Dharampeth, Nagpur.

..... **PETITIONER**

...V E R S U S...

Ms. Sushma Haridas Damle,
Aged about 30 years,
R/o: Plot No. 273,
Panchasheel Nagar, Nagpur.

..... **RESPONDENT**

Mr. S. S. Ghate, Advocate for Petitioner.
Mr. R. N. Meshram, Advocate for Respondent.

CORAM: **ROHIT B. DEO, J.**
DATE: **29th APRIL, 2022.**

ORAL JUDGMENT:

The learned counsel for the respondent – employee
has no objection if the writ petition is restored to file.

2. Writ Petition Stamp 5450/2016 is restored to file.

Writ Petition Stamp No.5450/2016:

Heard. **Rule.** Rule made returnable forthwith.

With consent, the petition is finally heard.

2. The petitioner – Bank is challenging the judgment dated 29.10.2014 rendered by the Industrial Court, Nagpur in Complaint (ULPA) 347/2005 whereby the respondent – employee is held entitled to permanency in service with effect from the date of her appointment and consequential monetary benefits.

3. Both the learned counsel Mr. Ghate and Mr. Meshram agree that the issue is covered by the decision in Writ Petition 3701/2015 and Writ Petition 5454/2016 which are rendered in the context of identical grievance of two other employees.

4. The two other employees were granted identical relief by the Industrial Court and in writ petitions preferred by the Bank, this Court modified the relief and partly allowed the writ petitions. Paragraph 10 of the decision in Writ Petition 3701/2015 reads thus:

10] In view of above, the writ petition is partly allowed. The order passed by the Industrial Court to the extent it direct the

petitioner-employer to pay all monetary benefits to the respondent-employee as are applicable to the permanent employee beyond 2010 is hereby quashed and set aside. The matter is remitted back to the Industrial Court to decide the question of entitlement of respondent-employee to the monetary benefits from the year 2010, more particularly from the date of termination of similarly situated employees. The parties to appear before the Industrial Court on 30th November, 2015. The Industrial Court shall permit the parties to place on record the additional material and pleadings and the aspect shall be decided in accordance with law within a period of six months thereafter, if required by giving the parties an opportunity to lead evidence. Rest of the order passed by the Industrial Court does not call for any interference. Needless to say that it shall be open to the respondent to institute the proceedings for execution of the order in accordance with law.

6. The learned counsel for the employee fairly states that in the present case the employee has not worked beyond 2010, and therefore, the question of remand to the Industrial Court shall not arise.

7. In this view of the matter, no interference with the judgment of the Industrial Court is called for, particularly since the co-ordinate Bench has already upheld the findings recorded by the Industrial Court and the matter came to be remitted to the Industrial Court for the limited purpose of considering post 2010

benefits. In the other matter remand was necessary in view of the claim of the employee of having worked beyond the closure of the Bank which was in 2010. In the present matter such is not the situation. The petition is dismissed.

8. Needless to observe that the benefits to which the employee has held entitled shall be restricted till December, 2010.

JUDGE

NSN