

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

54 WRIT PETITION NO.5704 OF 2022

COASTAL MARINE CONSTRUCTIONS AND ENGINEERING LTD
THROUGH AUTHORISED SIGNATORY KARTIK VIJAY JOSHI
VERSUS
NIKHIL JAGDISHPRASAD AGARWAL

...
Advocate for Petitioner : Mr. Ajinkya S. Kale h/f. Talekar and
Associates

Advocate for Respondent : Mr. S.B. Kadu

...

CORAM : SHARMILA U. DESHMUKH, J.

DATE : 25-01-2023

PER COURT :

. Heard.

2. The petitioner is aggrieved by the directions of the Industrial Court in the order dated 01.04.2022, whereby while allowing the petitioner's revision application for setting aside the *ex parte* order of the Labour Court, Jalna dated 04.10.2021, directed the petitioner to pay a sum of Rs.2,50,000/- to the respondent as arrears of wages within a period of three months.

3. The learned counsel appearing for the petitioner submits that due to the Covid restrictions, the petitioner could not appear before the Labour Court and *ex parte* order came to be passed on 04.10.2021, as against which the revision was preferred. He would

further submit that after setting aside the order of the Labour Court, an order of payment of back wages should not have been passed. He would further submit that after the remand, the Labour Court has dismissed the complaint.

4. Per contra, the learned counsel appearing for the respondent supports the impugned order and submits that the Industrial Court by taking into consideration the facts of the case has given the direction to make payment of Rs.2,50,000/- to the respondent as arrears of wages and the same shall be complied with.

5. Considered the rival submissions.

6. It is not disputed that the order of payment of back-wages was in a complaint which was filed by the respondent being Complaint (ULP) No.5 of 2021. The order dated 04.10.2021 having been set aside by the Industrial Court and the matter being remanded for fresh consideration to the Labour Court, directing the petitioner to make payment of back-wages to the respondent, cannot be legally sustained. This aspect assumes importance in view of the subsequent development that the complaint has now been dismissed by the Labour Court.

7. Writ petition accordingly succeeds and the condition no. 4 of the order dated 01.04.2022 is hereby quashed and set aside.

8. Liberty is granted to the respondent to challenge the subsequent order dated 14.09.2022 passed by Labour Court in Complaint (ULP) No.5 of 2021.

9. The writ petition is accordingly allowed in above terms.

(SHARMILA U. DESHMUKH, J.)

GGP