

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

87 WRIT PETITION NO.780 OF 2023

TARACHAND HARCHAND PAWAR
VERSUS
DHULE MUNICIPAL CORPORATION, DHULE,
THROUGH ITS MUNICIPAL COMMISSIONER AND ANOTHER

...
Advocate for Petitioners : Mr. S. V. Kshirsagar, h/f Mr. Ajay S. Deshpande.
AGP for Respondent No.2 : Mr. V. M. Kagne.
...

CORAM : **RAVINDRA V. GHUGE &
SANJAY A. DESHMUKH, JJ.**

DATE : 23rd January, 2023.

Per Court :

1. The petitioner prays that the benefits made available to him as per the judgment of the Industrial Tribunal (sic Court), Nashik dated 22nd December, 1994 in Complaint (ULP) No.853 of 1989, has not been complied with by the employer. Therefore, the benefits under the Gratuity Act, Leave Encashment as well as the arrears, are sought to be quantified by this Court, vide this petition.

2. It requires no debate that unpaid dues of the workers, pursuant to a judgment of the Industrial or the Labour Court, cannot be quantified by this Court. A Writ of Mandamus is not the remedy. This court cannot issue orders or directions in the nature of executing the judgment of the Industrial Court/Tribunal. This Court cannot get into

the disputed questions of calculating the gratuity, leave encashment etc. This can be done either by preferring a ULP complaint before the Industrial Court u/item 9 of Schedule IV of the MRTU and PULP Act or by filing an application for recovery of amounts due towards an employer under Section 33C(2) of the Industrial Disputes Act, 1947.

3. In view of the above, this petition is disposed off with liberty to the petitioner to avail of the statutory remedy.

[SANJAY A. DESHMUKH, J.]

[RAVINDRA V. GHUGE, J.]

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