

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION IN WRIT PETITION NO.1799 OF 2017
IN
WRIT PETITION NO.9052 OF 2005

Mangal B. Benichitge .. Applicant
IN THE MATTER BETWEEN:
The President and Chief Officer, Jaysingpur
Nagar Parishad .. Petitioner
Versus
Mangal B. Benichitge .. Respondent

-
- Mr. Prashant R. Suryawanshi i./by Gujan M. Savagave, Advocates for Petitioner.
 - Mr. Saurabh Mandlik i./by M. S. Topkar, Advocate for Applicant (Original Respondent).
-

CORAM : MILIND N. JADHAV, J.

DATE : OCTOBER 10, 2023

P.C.:

- 1.** Heard Mr. Suryawanshi, learned Advocate for Petitioner and Mr. Mandlik, learned Advocate for Applicant (Original Respondent).
- 2.** The facts in the present case cut a very sorry figure. Respondent was admittedly employed in services of the Petitioner as a Clerk and was required to perform various duties in the office establishment. In 1993, she was terminated pursuant to which she approached the Labour Court which granted her reinstatement alongwith 50% backwages in the year 1999.
- 3.** Petitioner being aggrieved with the judgment of the Labour

Court filed revision before the Industrial Court which upheld the order of the Labour Court in the year 2005 pursuant to which Petitioner approached this Court by the present Writ Petition. At the stage of admission, interim order was passed to reinstate the Respondent while staying the direction with respect to backwages which would be decided when the Petition is heard finally.

4. Mr. Mandlik would inform the Court that Respondent has attained the age of superannuation in the year 2016 and pursuant thereto adjudication on the issue of backwages is pending in the present Writ Petition. However, after her retirement, Petitioner has not paid any of her retirement benefits due to pendency of the Petition. These retirement benefits pertain to her determination of pay scale under 6th Pay Commission in so far as her basic salary is concerned, her Provident Fund dues, her gratuity and leave encashment amounts which she would be otherwise entitled to.

5. In reply to above submissions, Mr. Suryawanshi would submit that Petitioner is not averse to giving the retirement benefits to Respondent and in this regard Petitioner has already taken steps for seeking approval and sanction of the Divisional Commissioner, Pune for regularisation of the services of Petitioner so that she would be entitled to her retirement benefits. He would submit that this letter was submitted as far back as on 04.02.2019 to the Divisional

Commission, but there is no follow up.

6. Petitioner is directed to issue one more reminder letter to the Divisional Commissioner, Pune alongwith copy of today's order. Divisional Commissioner, Pune is directed to take immediate cognizance of the subject and contents of the letter dated 04.02.2019 for seeking regularisation of Respondent's services with of the Petitioner and deal with the same appropriately in accordance with law and convey his decision to Petitioner within a period of four weeks from today on receipt of authenticated copy of this order and reminder from the Petitioner. Petitioner shall convey this order to the Commissioner.

7. Civil Application No.1799 of 2017 is filed for seeking retirement benefits and expedition of the hearing of the Petition. Hearing of the Writ Petition is expedited.

8. In view of the above directions, Civil Application No.1799 of 2017 stands allowed and is disposed of with a direction that this Writ Petition shall be heard finally on **07th November, 2023.**

H. H. SAWANT

[MILIND N. JADHAV, J.]

Digitally signed
by HARSHADA
HANUMANT
SAWANT
Date:
2023.10.11
10:20:02 +0530