

Prajakta Vartak

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 12547 OF 2017

The Prathamik Shikshak Sahakari Bank Ltd.	..Petitioner
Vs	
Pandurang Ganpati Khot	..Respondent

AND
WRIT PETITION NO. 12250 OF 2017

Pandurang Ganapati Khot	..Petitioner
Vs	
The Chief Executive Officer, The Prathamik Shikshak Sahakari Bank Ltd., Kolhapur	..Respondent

Mr. Milan Topkar with Ms. Pavitra Manesh i/b. Mr. Saurabh Mandlik for
Petitioner in WP No. 12250/17 and for Respondent in WP No.
12547/17.

Mr. Kiran Bapat, Senior Advocate with Mr. Gaurav Gawande i/b. Mr.
Avinash Fatangare for Respondent in WP No. 12250/17 and for
Petitioner in WP No. 12547/17.

CORAM : G.S. KULKARNI, J.
DATE : FEBRUARY 21, 2023

P.C.:

1. These are two petitions. Petition No.12547 of 2017 has been filed
by the employer-The Prathamik Shikshak Sahakari Bank Ltd. (for short,
“**employer**”), Writ Petition No. 12250 of 2017 is a cross petition filed by
Pandurang Ganpati Khot (for short, “**employee**”).

2. In so far as the employer's petition is concerned, it assails an order dated 11 December, 2014 passed by the First Labour Court at Kolhapur whereby the employee's complaint (ULP) No.74 of 2008 has been allowed thereby granting reinstatement to the employee, however, on the concession as made on behalf of the employee as recorded in paragraph 14 of the order passed by the Labour Court without any benefit of back-wages. The said order passed by the Labour Court was assailed by the employer before the Industrial Court at Kolhapur in the proceedings of a revision being Revision Application No.182 of 2014. There was also a cross revision filed by the employee. The learned Member of the Industrial Court delivered a common judgment dated 12 January, 2017 whereby both the revisions namely revision as filed by the employer as also the revision filed by the employee were dismissed. Such order passed by the Industrial Court is subject matter of challenge by the employer in the writ petition as also the same has been assailed by the employee in the companion petition. Accordingly, these two petitions.

3. It is not in dispute that after the Industrial Court passed the impugned order (12 January, 2017), the employer by its letter dated 15 February, 2017 addressed to the employee informed him that without prejudice to the rights of the employer in the present proceedings, the employee is being reinstated in the services of the employer on the post of

a peon. The employee accepted the said reinstatement which was subject to the outcome of the present proceedings. It has so happened that the employee has also superannuated on 31 July, 2021.

4. From the aforesaid facts, it is quite clear that any adjudication on the present proceedings which would be mostly academic. However, the only issue which may arise, is in regard to the back-wages from the period 11 December, 2014 being the orders passed by the Labour Court granting reinstatement to the employee till the dismissal of the revision application filed by the employer on 12 January, 2017 by the Industrial Court. It clearly appears that the employee had taken a categorical stand before the Labour Court that he be reinstated without back-wages. Further it also appears, the Labour Court ordered reinstatement either on the original post on which the employee was working namely the post of Cashier or on a lower post. An offer was made by the employer's letter dated 15 February, 2016 that the employee would be reinstated on the lower post as a Peon. He accepted the same. He had also given up his claim for back-wages before the Labour Court.

5. In the aforesaid circumstances, in my opinion, it is appropriate that both the petitions are disposed of accepting the arrangement which has been arrived between the parties during pendency of the present

proceedings. It may also be observed that by virtue of the said arrangement, the proceedings between the parties stand closed.

6. Needless to observe that the employee would be entitled to all the terminal/retiral benefits payable, as per law.

7. Disposed of in the aforesaid terms. No costs.

[G.S. KULKARNI, J.]