

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.4482 OF 2023**

M/s. Cardinal Gracious Memorial Hospital Trust	...	Petitioner
versus		
Gopal Kumar Oza	...	Respondent

Mr. P.V.Satam with Mr. Mayuresh Nagle for Petitioner.
Mr. Sunil K. Kharwal i/by Smt. Sushna Sharma for Respondent.

CORAM: N.J.JAMADAR, J.

DATE : 27 JUNE 2023

P.C.

1. Heard the learned Counsel for the parties.
2. The challenge in this Petition is to an order dated 16 January 2023 passed by the learned Member, Industrial Court on an Application (Exhibit U-2) in Complaint (ULP) No.173 of 2022 whereby the Petitioner was directed to pay subsistence allowance to the Respondent-complainant @ 75% of the last drawn wages of the complainant from January 2023 till the final conclusion of the Disciplinary Enquiry or till the final disposal of the complaint, whichever is earlier, and a further order dated 13 February 2023 whereby the aforesaid order dated 16 January 2023 came to be re-affirmed.
3. Having regard to the pendency of the disciplinary enquiry and the nature of the orders passed by the Industrial Court, on the suggestion of the Court, the parties have agreed that subsistence allowance be paid from the month of January

2023 @ 50% of the last drawn wages and the Complaint (ULP) No.173 of 2022 be directed to be heard expeditiously.

4. In view of the above, the Writ Petition stands disposed by modifying the order dated 13 February 2023 to the effect that the Petitioners shall pay subsistence allowance to the Respondent-Complainant @ 50% of the last drawn wages of the Complainant from the month of January 2023 till the conclusion of the disciplinary inquiry or the final disposal of the Complaint, whichever is earlier.

5. The learned Member, Industrial Court, is requested to make an endeavour to decide Complaint (ULP) No.173 of 2022 as expeditiously as possible.

6. All contentions of all the parties are kept open for consideration and the learned Member shall not be influenced by any of the observations made in the impugned orders while deciding Complaint (ULP) No.173 of 2022.

(N.J.JAMADAR, J.)