

R.M. AMBERKAR
(Private Secretary)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 13485 OF 2023

University of Mumbai through Registrar .. Petitioner

Versus

Sanket Shridhar Swant & Ors. .. Respondents

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- Mr. Rui Rodrigues a/w Mr. Jainendra Sheth for Petitioner
- Mr. S.C. Naidu a/w Mr. G.R. Naik, Mr. Abhishek Ingale and Mr. Pradeep Kumar i/by Mr. G.R. Naik & Co for Respondents

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CORAM : MILIND N. JADHAV, J.

DATE : DECEMBER 08, 2023

P.C.:

1. Heard Mr. Rodrigues, learned Advocate for Petitioner and Mr. Naidu, learned Advocate for Respondents.

2. The Petition impugns interim orders dated 25.11.2022 (below Exh. U-2) & 20.04.2023 (below Exh. U-11) passed by the learned Industrial Court, Mumbai in Complaint (ULP) No.248 of 2022 directing the Petitioner University not to terminate the services of five Respondents (Orig. Complainants) and to pay their earned wages for the months of November, 2022 and December, 2022 with further direction that earned salary for the subsequent months be paid before the expiry of the 7th day of each succeeding month.

3. Learned Advocates for parties do not dispute that since passing of the impugned orders, earned salary has not been paid to the

Respondents for the period 01.11.2022 to 30.11.2023.

4. Learned Advocate for Respondent has tendered statement of arrears of earned salary / wages for the period 01.11.2022 to 30.11.2023. The same is taken on record and marked "X" for identification. For convenience and reference, the same is scanned and reproduced herein below:-

Adv. Mohan
8/11/23

"X"
[Signature]
08/11/2023.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 13485 OF 2023
MUMBAI UNIVERSITY OF MUMBAI .. PETITIONER
VS.
BANKET SAWANT & ORS. .. RESPONDENTS

Statement of arrears of earned salary/wages for the period
01.11.2022 to 30.11.2023 (13 Months)

Respondent No.	Name/Duties/Designation and date of appointment	Emoluments Salary per Month (Rs.)	Arrears of salary payable for 13 months (Rs.)	Salary account number*
1	Banket S. Sawant Web administrator	15,000/-	4,55,000	067201001023274
2	Prasad J. Unkavadekar Sys. & network administrator	40,000/-	5,30,000	16180100001948
3	Ajit S. Kamble Database administrator	50,000/-	3,90,000	06720100004513
4	Rohit R. Chaturvedi Programmer (communication department)	50,000/-	6,20,000	06720100005808
5	Shalish B. Karmali Network assistant	21,500/-	2,85,000	06720100006008

[Signature]
Advocate for Respondents

*Salary account maintained with Bank of Baroda, Kalyan Branch, IFSC Code: BARB0KALINA

Note:

Submitted

1. Respondents have attended and worked on ~~36~~ working days for the said period. *certified by DICT*
2. Based on attendance for above period, Director- Dept. of Information & Communication Technology (DICT) requested Deputy Registrar (HRDC) for making arrangements to pay salary.
3. Respondents have been re-designated as "Technical Support Services Staff" vide letter dated 14.09.2022.

5. In view of the peculiar situation arising in this Petition, parties are *ad idem* that reasons need not be set out in regard to the order proposed to be passed by the Court. Accordingly, following

directions are being issued which will subserve the ends of justice:-

- (i) Petitioner University to pay arrears of earned salary to the five Respondents for the period 01.11.2022 to 30.11.2023 (13 months) as set out in statement handed over and marked 'X' for identification;
- (ii) The entire arrears of salary be paid on or before 20.12.2023;
- (iii) Petitioner University is directed to pay the earned wages for the month of December, 2023 and thereafter of each subsequent month to the Respondents before expiry of the 7th day of each succeeding month till the final disposal of the Complaint (ULP) No.248 of 2022;
- (iv) The impugned order dated 20.04.2023 will stand modified only to the extent set out above;
- (v) The Respondents undertake to withdraw Misc. Criminal Complaint (ULP) No.31 of 2023, Misc. Criminal Complaint (ULP) No.32 of 2023, Misc. Criminal Complaint (ULP) No.33 of 2023, Misc. Criminal Complaint (ULP) No.34 of 2023 & Misc.

Criminal Complaint (ULP) No.35 of 2023 filed before Labour Courts Mumbai after receipt of the entire arrears of salary as stated above.

6. Learned Industrial Court is requested to dispose of the Complaint as expeditiously as possible and in any event on or before 30.04.2024.

7. The above directions are issued without prejudice to the rights and contentions of both the parties in the main Complaint.

8. It is made clear that the Court has not dealt with the merits of the dispute pending final adjudication before the Industrial Court.

9. Learned Industrial Court to adjudicate the Complaint without being influenced by this order.

10. Writ Petition disposed of in above terms with no orders as to costs.

Amberkar

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by RAVINDRA
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Date:
2023.12.08
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[MILIND N. JADHAV, J.]