

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 259 OF 2023

City of Nagpur Municipal Corporation and anr __ Vs. __ Vilas Hiralalji Mahulkar

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. Abhay Sambre, Advocate for Petitioners.

CORAM : AVINASH G. GHAROTE, J.
DATE : 17/02/2023

Heard Mr. Sambre, learned counsel for the
petitioners.

2] The petition challenges the impugned judgment dated 20.08.2022 passed by the Industrial Court No.1, Nagpur (page 23), whereby the petitioners have been directed to pay the medical reimbursement to the respondent/complainant as per the Government Resolution dated 19.03.2005 read with its Circular dated 24.08.2015 along with interest at the rate of 5% per annum from the date of filing of the complaint till actual realization, within a period of two months from the date of the judgment.

3. Mr. Sambre, learned counsel for the petitioners submits that the case of the petitioners is covered by the Circular dated 27.07.2007, which reflects the quantum of medical reimbursement to the extent of the amount stated therein and the respondent has been

paid in excess thereof, on account of which the recovery has been directed. It is however, material to note that the evidence on behalf of the petitioners/Corporation indicates that the Circular dated 27.07.2007, has neither been approved by the Standing Committee, the General Body, nor the State Government, and therefore, would not have any legal sanctity so as to claim that the same is binding upon the employees. This position, in fact has been admitted by the witnesses of the petitioner in his cross examination (para 21, page 65). This position has been considered by the learned Industrial Court No.1, Nagpur, in the impugned judgment (para 17, page 21), based upon which the complaint has been allowed, in view of which, I do not see any reason to entertain this petition.

4. The petition is accordingly dismissed. No costs.

5. Needless to say that the petitioners shall comply with the direction of the learned Industrial Court No.1, Nagpur, to make payment within the time stipulated therein, which shall commence from today.

JUDGE

Rvjalit

Digitally sign byRAJESH
VASANTRAO JALIT
Location:
Signing Date:17.02.2023 18:01