

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

Writ Petition (WP) No. 6726 of 2022

Zilla Parishad, Bhandara through its Chief Executive Officer, Bhandara
and another

Versus

Mrs. Sindhu W/o Laxman Wanjari

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Ms. Meghna Munshi, Advocate for the petitioners.

CORAM : ANIL S. KILOR, J.

DATED : 9th JANUARY, 2023.

In this writ petition, the stay sought to the recovery application ULP No. 3 of 2019 filed by the respondent, pending before the learned Industrial Court, Bhandara. The petitioner is seeking stay on the ground that in similar matters Special Leave Petition (SLP) is pending before the Hon'ble Supreme Court of India.

2. After going through the record, it is clear that SLP which is pending before the Hon'ble Supreme Court of India is arising out of the judgment and order dated 9th March, 2015 passed in Writ Petition Nos. 2320 of 2005, 2321 of 2005, 62 of 2006 and 2156 of 2011 passed by this Court. The record further shows that in this case the respondent had approached to the

learned Industrial Court vide complaint ULP No. 96 of 2015 for permanency and the same was allowed on 17th August, 2005. However, the respondent did not get any monetary benefits, therefore, the complaint ULP No. 123 of 2007 came to be filed for directions to pay the amount of gratuity and pension with interest and the same was allowed by judgment and order dated 5th December, 2012. In pursuance of the same, the recovery proceeding was filed.

3. In the circumstances, as SLP is arising out of different proceedings and not from any of the proceedings filed by the respondent or since there is no challenge raised in the said SLP about any benefits granted to the petitioner, the petition is misconceived and is liable to be dismissed.

[ANIL S. KILOR, J.]

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