



**IN THE JUDICATURE OF HIGH COURT AT BOMBAY
BENCH AT AURANGABAD**

902 WRIT PETITION NO. 1923 OF 2022

AHMEDNAGAR MUNICIPAL CORPORATION THROUGH ITS
COMMISSIONER

VERSUS

KALABAI NANA TIJORE

...

Advocate for the Petitioner : Mr. Bedre Vinayak Sudhakar

Advocate for Respondent No.1 : Mr. Barde Para Vijay

...

CORAM : R. M. JOSHI, J.

Dated : June 12, 2024

PER COURT :-

1. Heard. By consent of both sides heard finally at the stage of admission.
2. The petitioner is the employer who is challenging the Judgment dated 25/01/2021, passed by the Industrial Court, Ahmednagar in Complaint (ULP) No.02/2015, whereby the petitioner was directed to give pension to the complainant i.e. widow of the employee of the petitioner at the revised pay scale as per the subsequent pay commission report, from the date of death of her husband.
3. Learned Counsel for the petitioner has sought to argue that error has been committed by the learned Industrial Court in allowing the complaint and granting relief as prayed.
4. Learned Counsel for respondent has drawn attention of the

Court to the paragraph No.12 of the Judgment wherein it is recorded that the petitioner has conceded the fact that the complainant's husband was also entitled to get benefit of subsequent pay commission report. There is no denial that such submissions were made before the Industrial Court.

5. If it is so, practically the Judgment has been passed by consent. Hence now it is not open for the petitioner to challenge the same. Hence, the petition stands dismissed as sans merits.

(R. M. JOSHI, J.)

vj gawade/-.