



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 4939 OF 2021

Dy. Chief Officer & another .. Petitioner

versus

Pushpa Vilas Pote .. Respondent

WITH
WRIT PETITION NO. 13874 OF 2023

Dy. Chief Officer & another .. Petitioners

versus

Pushpa Vilal Pote .. Respondent

Ms. M. V. Narwade, Advocate holding for Mr. S. M. Zaware, Advocate
for the Petitioners.

Mr. P. V. Barde, Advocate for the Respondent.

CORAM : R. M. JOSHI, J.

DATE : 18th JUNE, 2024.

PER COURT :

1. These Petitions are filed taking exception to the order passed by the Labour Court in Application IDA no. 4/2018 dated 19.03.2020 and Application IDA No. 50/2021 dated 27.12.2022.

2. The provisions under Section 33 C(2) of the Industrial Dispute Act are in the nature of execution proceeding and no adjudication of rights of parties is contemplated therein.

Undisputedly, complainant has been granted 30% backwages and during the pendency of Writ Petition no. 5157/2019, there was no stay to the order of Labour Court which is confirmed by the Industrial Court. Since there was executable order, which was not stayed by Comptent Court, filing of an application before the Labour Court under the provisions of Section 33 C(2) is justified. Once it is held that the complainant is entitled for 30% backwages, it is only a matter of arithmetical calculations and that no right of the parties is required to be decided by the Court in the said proceeding.

3. Now Writ Petition No. 5157/2019 is dismissed by this Court by passing order dated 18.06.2024, and hence there is no substance in these Petition. Both the Petitions stand dismissed.

(R. M. JOSHI)
Judge

dyb