



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

202 WRIT PETITION NO. 3842 OF 2003

Chalisgaon Textile Mills,
Chalisgaon, through its
General Manager,
Mr. V. S.Nimgaonker,
Age 48 years, R/o Chalisgaon
District Jalgaon.

**..Petitioner
(Ori.Opponent)**

VERSUS

Isak Chiragoddin,
Age 63 years, R/o Navgaon,
Ward No.3, Behind Chhaged
Oil Mill, Chalisgaon,
District Jalgaon.

**..Respondent
(Ori.Applicant)**

...
Advocate for the Petitioner : Mr. L. V. Sangit h/f Mr. V. J. Dixit
...

CORAM : ARUN R. PEDNEKER, J.

Dated : January 25, 2024

ORAL JUDGMENT :-

1. Heard the learned Advocate for the petitioner.
2. By the present petition the petition is challenging the order dated 24/03/2003, passed by the Labour Court, Jalgaon in Application (IDA) No.29 of 1999 whereby the Labour Court, Jalgaon was pleased to allow the application filed by the respondent and directed the petitioner to pay Rs.20251.08 Ps. to the applicant towards remaining ex-gratia payment within a month from the date of receipt of the order, failing

which the amount shall carry interest @ 9% per annum from the date of passing of the order till the date of payment of amount.

3. The said order is challenged on various grounds. However, it is also brought to my notice that in a similar set of facts, this Court in Writ Petition No.3045 of 2001 and other connected matters, by order dated 05/01/2015 has held at paragraph No.9 as under : -

"9) Another limb of argument of learned counsel Shri Sangit was that at the time of accepting the ex-gratia and gratuity payment under the special voluntary retirement scheme, each of the employee has accepted the amount as full and final settlement, and therefore, now they cannot agitate the said point. The said contention is also liable to be rejected, because when they accepted the said payment, that time their exact date of appointment was not determined. In that view of the matter, when subsequently their exact date of appointment is determined, the employees cannot be non-suited on the ground that they have accepted their dues without any prejudice, for the simple reason, till 12.10.1998 the question of their dates of appointment was not finally decided."

The above Judgment is undisputedly applicable to the facts of the instant case.

4. In view of the same, the present writ petition is dismissed, however, with no order as to costs. The petitioner is directed to pay the amount as directed by the Judge, Labour Court, Jalgaon to the respondent within a period of 90 days from the date of receipt of this order. If the petitioner failed to pay the amount within the aforesaid period, the amount shall carry an interest @ of 9% per annum from the date of passing of this Judgment till the date of actual payment to the respondents. Rule is discharged.

(ARUN R. PEDNEKER, J.)

vj gawade/-.