



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1006 WRIT PETITION NO. 10177 OF 2023

THE SUPERINTENDING ENGINEER MAHARASHTRA STATE
ELECTRICITY TRANSMISSION CO. LTD AND ANOTHER

VERSUS

RAVINDRA DHOMAN CHAVAN

...

Advocate for the Petitioner : Mr. Anil M. Gaikwad

Advocate for Respondent : Mr. Shrikant S. Patil

...

CORAM : ARUN R. PEDNEKER, J.

DATE : 24th SEPTEMBER, 2024

PER COURT:

1. Heard.
2. It appears that the respondent / employee who was initially working as a Machine Operator and promoted as Deputy Chief Technician on the post reserved for Scheduled Tribe was working with the Petitioner / Maharashtra State Electricity Transmission Company Limited and the respondent / employee retired from service on 31.10.2022. However, on account of the Judgment of the Hon'ble Supreme Court in the case of **Chairman and Managing Director FCI and others Vs. Jagdish Balaram Bahira and others, AIR 2017 SC 3271**, the petitioner company / employer withheld all the retirement benefits, as the respondent / employee had not submitted caste validity certificate.

Since, the respondent employee has not produced the caste validity certificate, the petitioner company / employer suo moto deposited the entire retirement benefits before the learned Labour Court. Thereafter, respondent / employee filed an application Complaint (ULP) No.3 of 2023 before the Industrial Court, Dhule seeking direction to the petitioner company / employer to release the entire payment of the complaint was also for declaring that the petitioner company / employer indulged in unfair labour practice.

3. The Industrial Court by the impugned order dated 06.04.2023 held that the petitioner company / employer herein has engaged in unfair labour practice under the MRTU and PULP Act, 1971 and, further, directed to pay the legal dues of the complainant along with the interest @ 6 % from the date of retirement till the amount is actually paid to the complainant till actual realization. The said order is challenged in the present petition.

4. Considering the submissions, the action of the petitioner company / employer cannot be faulted; as the same is based on the judgment of the Hon'ble Supreme Court in the case of **Chairman and Managing Director FCI and others Vs. Jagdish Balaram Bahira and others** (*supra*), wherein, the Hon'ble Supreme Court has held that absence of caste validity certificate the retiral benefits are required to be withheld. In

view of the said judgment of **Chairman and Managing Director FCI and others Vs. Jagdish Balaram Bahira and others** (*supra*), the petitioner company / employer has rightly withdrawn the benefits of the respondent / employee.

5. However, the respondent / employee, today, has placed on record an affidavit along with the caste validity certificate issued by the Scheduled Tribe Certificate Scrutiny Committee, Dhule, Division Nashik. The copy of the same is also given to the petitioner company / employer in advance. The respondent / employee submits that the caste validity certificate be taken on record and the amount deposited before the Labour Court with interest granted to him instead of 6% interest awarded by the Industrial Court.

6. In view of the caste validity certificate granted to the respondent / employee, it is hereby directed that the amount deposited before the Labour Court along with accrued interest shall be paid to the respondent / employee after three (03) weeks from today. The petitioner company / employer is allowed to verify the certificate. In the event, the petitioner company / employer finds that there is an error in the caste validity certificate then, the petitioner company / employer is at liberty to approach this court within a period of next two (02) weeks.

7. With the above directions the impugned order is set aside.
8. The writ petition is accordingly disposed of.

[ARUN R. PEDNEKER, J.]

marathe