



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

4 WRIT PETITION NO. 2046 OF 2024

The Divisional Controller Msrtc Osmanabad

VERSUS

Ramchandra Shivram Magar

...

Advocate for the Petitioner : Mr. Dhongade Anilkumar B.

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CORAM : ARUN R. PEDNEKER, J.

Dated : April 15, 2024

PER COURT :-

1. Heard the learned counsel for the petitioner.
2. By the impugned order, the Industrial Court has directed the petitioner to pay salary and all other service benefits determinable in terms of money to the complainant/respondent herein from 8.7.2013 to 8.5.2014.
3. Undisputedly, the employee at the relevant time was in service and he was absent due to cataract operation and the issue before the Industrial Court was that whether the employee should be granted monetary benefits from 8.7.2013 to 8.5.2014 to undergo medical check up and subsequently for undergoing the operation.
4. It is the contention of the petitioner that there is no provision for grant of special leave for eye treatment.
5. However, this issue has already been dealt with by this Court at Nagpur Bench vide order dated 6.9.2018 in Writ Petition No. 4365/2010 (Satishkumar s/o. Shamsunder Soni Vs. Maharashtra State Road Transport Corporation) and other connected matter and in para 8 of the order, this Court has held that :-

"8. It is not in dispute that the services of the employee

were never terminated and he continued to be in the service of the employer till the date of his retirement. He was allowed to superannuate from the service. It is also not in dispute that the employee was not paid his salary from the period from 20th October, 2006 to 25th August, 2008. With these admitted facts, the action of the employer depriving the employee of his salary for the said period of time cannot be justified and the employer would have to be directed to pay the same to the employee. This aspect of the case has not been dealt with in any manner by the impugned order and, therefore, it needs to be modified by giving additional necessary directions."

6. The same logic would be applied in the present case. In view of the same, there is no merit in the present writ petition. The writ petition is dismissed.

(ARUN R. PEDNEKER, J.)

ssc/