

rajshree

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO.11877 OF 2024
IN
LETTERS PATENT APPEAL NO.66 OF 2011**

The General Secretary & Anr.] .. Applicant

vs.

Maharashtra Industrial Development
Corporation & Anr.] .. Respondents

Mr.Bennet D'costa a/w Jignasha Pandya, for the Applicant IA and Respondent in LPA.

Mr.Prashant Chavan, Senior Advocate a/w Kinjal Jain i/b Navdeep Vora & Associates for Respondents.

**CORAM : BHARATI DANGRE &
MANJUSHA DESHPANDE, JJ**

DATE : 21st NOVEMBER, 2024.

P.C.

1. During the pendency of the Letters Patent Appeal, an Interim Application is taken out by the Respondent No.1 i.e. the Union where a direction is sought to extend the benefit of resolution of 19.05.2023 to the workmen, without prejudice to their rights and contentions in the Award dated 23.07.2010 and the Writ Petition.

2. Our attention is invited to a specific averment in Para 11 of the Interim Application , which reads to the following effect :-

“In view of the above submissions, the Applicants are seeking the benefits of the resolution dated 19/05/2023, without prejudice to their rights and contentions in the writ petition and LPA, or giving up their claim of permanency as granted by the Award dated 23/07/2010. Alternatively, if the benefits of the resolution dated 31/03/2021 are granted, all pending issues and litigation can be resolved.”

3. When we have perused the circular dated 31.03.2021, we have noticed that a decision has been taken for confirmation of ex-facia payment as well as grant of higher pay grade in parlance with the Assured Progressive Scheme in the wake of the stagnation by providing the pay scale of a higher post.

The learned counsel for the Applicant has categorically asserted before us that if this is granted to the members of the Union, the whole dispute can be worked out.

4. In the wake of aforesaid statement, we expect the learned senior counsel Mr.Chavan representing the MIDC to obtain necessary instructions and if required use his good offices so that a long drawn battle can put to rest.

For this purpose, list the proceedings to 13.12.2024 under the caption ‘For Directions’.

(MANJUSHA DESHPANDE, J)

(BHARATI DANGRE, J)