



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

Writ Petition (WP) No. 2308 of 2024

Municipal Council, Hinganghat through its Chief Officer, Hinganghat,
District Wardha

Versus

Rauf Khan S/o Ajiz Khan

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri M.I.Dhatrak, Advocate for the petitioner.

Shri S.V.Sohoni, Advocate for the respondent.

CORAM : N.R.BORKAR, J.

DATED : 21st NOVEMBER, 2024.

This petition takes exception to the order dated 30th January, 2024 passed by the Industrial Court, Nagpur in Misc. (ULP) (Recovery) No. 11 of 2022.

2. By order dated 6th September, 2013 in Complaint (ULP) No. 536 of 1999 and 537 of 1999, the learned Industrial Court, Nagpur, directed the present petitioner to regularize the services of respondent and further directed to pay the monetary benefits from the date of order. In terms of the said

order the petitioner-Municipal Council has regularised the services of the respondent vide resolution dated 27th June, 2017.

3. By the order impugned the learned Industrial Court has allowed the application filed by respondent under Section 50 of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971 and directed the present petitioner to pay the sum of Rs.19,79,094/- to the respondent towards monetary benefits.

4. I have heard learned counsel for the petitioner and the learned counsel for the respondent.

5. Learned counsel for the petitioner submits that the directions were to pay the monetary benefits, from the date of order, however, the learned Industrial Court by the impugned order has directed to pay the monetary benefits from the date of filing of the complaint. It is submitted that the impugned order to that extent needs to be quashed and set aside.

6. On the other hand, learned counsel for the respondent has supported the impugned order. The learned counsel for the petitioner has however, not disputed the fact that the direction to pay the monetary benefits were from the date of order and not from the date of filing of the complaint.

7. On 16th April, 2024, this Court had passed the following order.

1. Issue notice for final disposal to the respondent, returnable on 20/06/2024.
2. The petitioner is permitted to serve the respondent by private mode, in addition to regular mode of service, including service on the lawyer appearing before the trial Court and file affidavit of service by next date, failing which the petitioner shall deposit costs of Rupees Five Hundred with High Court Legal Services Sub-Committee, Nagpur.
3. The learned counsel for the petitioner points out that the learned Industrial Court while allowing the complaint filed by the respondent granted monetary benefits from the date of the order i.e. 06/09/2013, whereas vide impugned order the Recovery Certificate is issued for the amount shown to be payable by the petitioner from May, 1999. It is submitted that if the monetary benefits are calculated from the date of the judgment of the Industrial Court, the amount comes to Rs.5,59,774/-.
4. In the circumstances, there shall be ad-interim stay to the impugned order dated 30/01/2024 passed by the Industrial Court, Nagpur in Misc. Application (ULP) No. 11 of 2022, until further orders, subject to

deposit of Rupees Five Lakhs in this Court, within four weeks from today.

5. The office objections, if any, be removed before the returnable date.

8. In terms of the above order, the petitioner has deposited the amount of Rs.5,00,000/- in this Court.

9. Considering the overall circumstances the following order is passed.

(i) Respondent is permitted to withdraw the amount of Rs.5,00,000/- deposited by the petitioner in this Court, with accrued interest, if any.

(ii) The petitioner shall pay Rs.59,774/- to the respondent within a period of two months from the date of receipt of copy of this order.

(iii) The order impugned shall stand modified to the above extent.

(iv) The writ petition is disposed of in aforesaid terms.

[N.R.BORKAR, J.]