



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

Writ Petition No. 4833 of 2015

[Gangar Parishad, Bramhapuri through its Chief Officer Vs. Shri Shambhu Hariji Bawankule
(dead) through L.Rs. Smt. Sudhabai wd/o Shambhu Bawankule and anr.]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. R. J. Kankale, Advocate for the petitioner
Mr. P. D. Meghe, Advocate for the respondents

CORAM : ANIL L. PANSARE J.

DATED : 18-12-2024

Heard.

2. The issue involved in the present case is covered by the order passed by this Court in Writ Petition No. 6128/2017 wherein considering the facts of the said case, which are identical to the facts herein, this Court has taken a view that the claim made by the petitioner therein cannot be said to be a stale claim and further the relief under Section 33C(2) of the Industrial Disputes Act, 1947 cannot be said to be barred by limitation, particularly, if the claim has statutory force.

3. In the present case, the claim of original respondent no. 1(since deceased) was based on the judgment and order dated 28-2-2000 passed by the learned Industrial Court, Nagpur wherein the Industrial Court had directed the Municipal Council, Bramhapuri (petitioner herein) to regularize the services of respondent no. 1 and to pay difference of wages.

4. The counsel for respondent no. 1 submits that during his service, though respondent no. 1 made various

oral representations, he could not file and pursue the claim in writing because of apprehension of adverse action from the employer. He has accordingly raised the claim immediately after retirement.

5. Thus, the respondent was under the control of the employer and appears to have apprehension of adverse action, had he pursued his claim. He has, however, promptly lodged the claim after retirement. In the circumstances, it cannot be said that the claim raised by him after 11 years of passing the judgment and order by the Industrial Court is a stale claim.

6. Since in identical situation, this Court has granted relief to the employee, I do not find any reason to interfere with the view taken by the Labour Court in granting such benefits to the respondent no. 1, who is now represented by his legal representatives. The petition is accordingly dismissed.

7. The amount deposited by the petitioner - Municipal Council in terms of order dated 21-12-2015 be released in favour of legal representatives of respondent no. 1 along with interest, if any, upon furnishing bank details.

(Anil L. Pansare, J.)