



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

**Contempt Petition No.161 of 2019**

HEMRAJ S/O DEVRAO JANBADE

VS

MR. R.S. SINGH, SUB AREA MANAGER, SAONER PROJECT, WESTERN  
COAL FIELDS LTD., NAGPUR

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

Court's or Judge's Order

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Mr D.S. Kanwale, Advocate h/f Mr S. Z. Qazi, Adv. for the Petitioner/s  
Mr P.V. Ghare, Advocate for the Respondent-sole

**CORAM : ANIL S. KILOR, J.**

**DATED : 08.01.2024**

1. Heard.
2. This Court vide order dated 15.01.2020, directed the Assistant Labour Commissioner, Nagpur to determine the amount payable to the petitioner in terms of the judgment dated 24.11.2014, and submits the report. These directions were issued in light of the dispute as regards the calculation made by the petitioner and the respondent towards 40% backwages granted by this Court vide order dated 24.11.2014, while modifying Award dated 19.01.2012, of the Central Government Industrial Tribunal (CGIT), Nagpur.
3. Accordingly the Assistant Labour Commissioner, Nagpur submitted the calculation and as per the said calculation, the amount payable to the petitioner towards 40% backwages comes to Rs.13,44,033/-.

4. The respondent has already deposited the said amount in this Court in the month of August 2023, however, the respondent is disputing the said calculation and as per the respondent, the amount comes to Rs.6,68,100.30/- after deducting the amount already paid to the tune of Rs.6,39,428/-. At the same time, the calculation made by the petitioner shows that according to the petitioner, the amount recoverable from the respondent is more than Rs.30 Lakh.

5. In the circumstances, as even the calculations made by the Assistant Labour Commissioner are being disputed, I am of the opinion that the petitioner may avail a remedy under Section 33-C(2) of the Industrial Disputes Act, 1947 (for short “the Act of 1947”) as suggested by the learned counsel for respondent Shri Ghare.

6. Further, for the ends of justice, the petitioner may be permitted to withdraw the amount deposited by the respondent, subject to an undertaking to be furnished within two weeks from today that on determination of amount by the CGIT under Section 33-C(2) of the Act of 1947, any amount is found to be paid back to the respondent, the petitioner would pay back such amount to the respondent within four weeks from the date of the such determination by the CGIT.

7. If the petitioner does not file any application under Section 33-C(2) of the Act of 1947 within four weeks, the petitioner shall refund the excess amount than the calculation made by the respondent i.e. Rs.6,68,100.30/-

8. Accordingly, the contempt petition is **disposed of**.
9. The learned counsel for the petitioner has filed a pursis, pointing out that the amount payable to the petitioner by the respondent. The pursis is taken on record and marked as Article 'X' for identification.

**[ANIL S. KILOR, J.]**