



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

WRIT PETITION NO. 1856 OF 2018

Jagannath Vishwanathrao Tathod

Vs.

The Municipal Council, Achalpur, Dist. Amravati and anr.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. R.R. Gour, Advocate for petitioner.
Mr. N.S. Khandewale, Advocate for respondent No.1.
Ms. Deepali Sapkal, AGP for respondent/State.

CORAM : N.R. BORKAR, J.

DATE : 10.09.2024.

This petition takes exception to the judgment and order dated 23.10.2017 passed by Industrial Court, Amravati in Complaint (ULP) No.19/2012.

2. I have heard the learned counsel for the petitioner and the learned counsel for contesting respondent No.1. The learned counsel for the petitioner submits that issue involved in the present petition about non-payment of pensionary benefits including gratuity is covered by the judgment of the Division Bench of this Court dated 07.12.2018 in Writ Petition No.9134/2016 and the judgment of

Single Bench of this Court dated 25.01.2023 in Writ Petition No.5060/2018.

3. It is submitted that the Hon'ble Supreme Court has dismissed the special leave petition against the judgment and order passed by the Division Bench of this Court dated 07.12.2018 in Writ Petition No.9134/2016. It is submitted that order impugned be set aside and relief as sought by the petitioner be granted.

4. The learned counsel for respondent No.1 submits that appropriate order may be passed.

5. I have perused the orders passed by this Court and the Hon'ble Supreme Court dated 23.07.2021 in Special Leave Petition (Civil) Diary No(s).40358/2019. The issue involved in the present petition is squarely covered by the orders passed by this Court. The order impugned is therefore, set aside.

6. One-half of the services rendered by the petitioner on daily wages shall be counted for the purpose of pensionary benefits.

7. The pensionary benefits shall be paid to the petitioner within a period of four months from today.

8. The writ petition is disposed of in the aforesaid terms.

(N.R. BORKAR, J.)