

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 1544 OF 2021

The Divisional Controller, Solapur

... Petitioner

Versus

Abdulgani Amanuddin Mulani

... Respondent

Mr. Dhananjayrao D. Rananaware *for the Petitioner.*

Mr. Chintamani K. Bhagoji *a/w Jotiram R. Jadhav for Respondent.*

CORAM : SANDEEP V. MARNE, J.

DATE : 25 MARCH 2025.

P.C. :

1) The Petition challenges judgment and order dated 8 February 2019 passed by Member Industrial Court, Solapur partly allowing Complaint (ULP) No. 45 of 2012 and directing the Petitioner to grant pay fixation to the Respondent during the period from 2009 to 2012. Though the operative portion of the order passed by the Industrial Court is not happily worded, when the same is read in context of the findings recorded in paragraph 18 of the judgment, it appears that the limited relief granted by the Industrial court in favour of the Respondent is to grant notional pay fixation to the Respondent during period from 2009 to 2012. There is no direction for payment of arrears of salary and allowances during the period from 2009 to 2012 and what is directed is mere release of increments on notional basis. The Respondent was medically incapacitated and

was offered alternate job of the post of peon. However there was some delay in granting him the alternate job. In respect of the intervening period, the Industrial Court has not granted salary and allowances but has merely directed grant of notional pay fixation. This would mean that the increments for the year 2009 to 2012 will have to be notionally added to his pay after appointment as peon. Considering this position, I am not inclined to interfere in the impugned order. The Petition is accordingly **rejected**.

[SANDEEP V. MARNE, J.]