

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

WRIT PETITION NO.3597 OF 2025

Pune Urban Co-operative Bank Ltd.Petitioner

V/S

Bharat Prakash ThorveRespondent

WITH

WRIT PETITION (STAMP) NO.7768 OF 2025

Bharat Prakash ThorvePetitioner

V/S

Pune Urban Co-operative Bank Ltd.Respondent

Mr. Kiran Bapat, Senior Advocate with Mr. Prashant Bhat
i/b Ms. Mitali P. Dhoble *for Petitioner in WP 3597 of 2025 and for
Respondent in WP (Stamp) 7768 of 2025.*

Mr. Chetan Nagare with Mr. Prasad Avhad *for Respondent in
WP 3597 of 2025 and for Petitioner in WP (Stamp) No.7768 of
2025.*

**CORAM: SANDEEP V. MARNE, J.
DATE : 3 APRIL 2025.**

P.C.:

1. These are Cross-Petitions filed by the employer and employee challenging order dated 13 January 2025 passed by the learned Member, Industrial Court, Pune on Application at Exhibit C-2 filed in Revision Application (ULP) No.1 of 2025. The Industrial Court has stayed the order dated 15 November 2024 passed by Labour Court in Complaint (ULP) No.32 of 2020 to the limited extent of payment of backwages. The employer is aggrieved by the order passed by the Industrial Court to the

limited extent of refusal of stay on reinstatement whereas the employee is aggrieved by the same order to the extent of grant of stay to the direction for payment of backwages.

2. I have heard Mr. Bapat, the learned Senior Advocate appearing for the Petitioner in Writ Petition No.3597 of 2025 and Mr. Nagare, the learned counsel appearing for the Petitioner in Writ Petition (Stamp) No.7768 of 2025.

3. After having considered the submissions canvassed by the learned counsel appearing for parties, it is seen that the employee was admittedly absent from duties from 24 October 2015 and has been terminated on that count by order dated 16 February 2017. It is the case of the employee that he had met with an accident and was in coma for a considerable period of time and the employer was fully aware of his medical condition. The Labour Court has allowed the Complaint filed by the employee by directing reinstatement with effect from 16 February 2017 with continuity of service and backwages. The Revision Application preferred by the employer is pending before the Industrial Court. The impugned order dated 13 January 2025 is merely an interim order by which direction for payment of backwages is stayed. However there is no stay on the direction for reinstatement.

4. Mr. Bapat, the learned Senior Advocate would invite my attention to the Disability Certificate dated 11 April 2018 which

certify that the employee suffers from 68% disability. It is contended by him that with this degree of disability, the employee is incapable of performing duties of the post of Peon. On the other hand, it is the case of the employee that termination of services on account of acquisition of disability during the course of employment is in violation of provisions of Right of Persons with Disabilities Act, 2016. Be that as it may. The issues would obviously be considered by the Industrial Court in pending Revision Application. As of today considering the Disability Certificate relied upon by the employee before the Industrial Court, in my view, the direction for reinstatement of the employee deserves to be stayed. At the same time, with a view to secure the direction for payment of backwages, it would be appropriate that the employer is directed to deposit before the Industrial Court a lumpsum amount. In the event the Industrial Court ultimately decides to award lumpsum compensation to the employee in lieu of reinstatement and/or backwages, there would be some security in the form of deposit of amount by the employer. Considering the facts and circumstances of the present case, in my view, the employer can be directed to deposit an amount of Rs.10,00,000/- in the Industrial Court as a condition precedent for staying the order for reinstatement.

5. Both the Petitions are accordingly **disposed of** by modifying the impugned order dated 13 January 2025 passed by the Industrial Court.

6. The order passed by the Labour Court dated 15 November 2024 shall stand stayed during pendency of the Revision Application (ULP) No.1 of 2025 on the condition of employer depositing in the Industrial Court an amount of Rs.10,00,000/- within a period of six weeks from today. The deposited amount shall be invested by the Industrial Court in interest bearing deposits.

7. The Industrial Court is requested to expedite the hearing of the Revision Application, which shall be decided on its own merits without being influenced by any of the observations made in the present order. All contentions of parties on merits are expressly kept open.

8. With the above directions, both the Writ Petitions are **disposed of.**

(SANDEEP V. MARNE, J.)

SUDARSHAN
RAJALINGAM
KATKAM
Digitally signed
by SUDARSHAN
RAJALINGAM
KATKAM
Date: 2025.04.05
10:45:13 +0530