

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5266 OF 2025

M/s. Kalyani Forge Ltd.

] *Petitioner*

: *Versus* :

Nirmala Chandrashekhar Patil

] *Respondent*

Mr. Sharad R. Dhore, *for the Petitioner.*

Mr. H.V. Kode and *Ms. Jahnvi S. Karnik, for Respondent No.1.*

CORAM : SANDEEP V. MARNE, J.

Dated : 24 April 2025.

P.C. :

1) By this petition, the Petitioner challenges order dated 3 June 2022 passed by the Inspector-cum-Labour Officer, Pune allowing the application preferred by the First Respondent for payment of balance amount of maternity leave and medical bonus. It appears that the Petitioner has already preferred Appeal before the Appellate Authority against the order dated 3 June 2022. That Appeal is yet to be decided and remains pending before the Appellate Authority. In that view of the matter, this Court is not inclined to entertain the present petition

since the Petitioner has already availed statutory remedy of appeal before the Appellate Authority.

2) Mr. Dhore, the learned counsel appearing for the Petitioner would complain that since the Appellate Authority has not been considering and passing any order on application for stay, the Petitioner is constrained to file the present petition. It is seen that the appeal itself is filed after considerable delay. The order was passed by the Inspector on 3 June 2022 but the appeal is lodged in November 2023. Simultaneously, with lodging of the appeal, the Petitioner did not file application for stay and the same appears to have been filed much later on 21 August 2024. In any case, it is for the Petitioner to take necessary steps for moving the application for stay, as well as, getting the Appeal decided on merits before the Appellate Authority. If the Petitioner moves the Appellate Authority for stay, I do not see any reason why the Appellate Authority would not take up the application of stay for decision.

3) In view of the above, I am not inclined to entertain the present petition. All contentions raised on merits are expressly kept open to be decided by the Appellate Authority. Writ Petition is accordingly **disposed of**.

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[SANDEEP V. MARNE, J.]