

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 3875 OF 2025.

IN

FIRST APPEAL (ST) NO. 3377 OF 2025.

The Depot Manager, Msrtc, Gadhinglaj Depot, ...Appellants.
Kolhapur And Ors.

Versus

Shri. Pandurang Ramchandra Bhogulkar And Anr. ...Respondents.

Mr. Yashodeep Deshmukh and Adv. Vaideshi Pradeep for the Appellants.

Coram : Sharmila U. Deshmukh, J.

Date : March 25, 2025.

P. C. :

1. Learned Counsel appearing for the Applicant submits that the entire decretal amount along with accrued interest is already deposited before the Commissioner for Employees' Compensation and seeks stay of the impugned Judgment and order.

2. Issue notice to the Respondents returnable on **22nd April, 2025**. In addition to Court notice, advocate for the Appellant/Applicant to serve the Respondents by private notice by all possible modes of service and file affidavit of service before the next date.

3. Learned Counsel appearing for the Applicant submits that the compensation was granted by considering 100% loss of earning capacity of the Applicant whereas the Applicant was reinstated in

service though as a Peon and it is not case of 100% loss of earning capacity. He would further submit that the Commissioner has granted interest @ 12% and had also imposed penalty. He would further submit that as the Respondent was absorbed, the amount was not deposited and therefore interest and penalty should not be levied.

4. In light of the submissions made by the learned Counsel appearing for the Applicant as the Respondent No. 1 is continuing in services though with different designation and the amount has been deposited. Ad-interim relief is granted in terms of prayer clause (a) which reads thus:

“(a) Pending hearing and final disposal of the petition, be pleased to grant stay on the effect, operation and implementation of the impugned judgment & Order dated 23.09.2024 passed by the Ld. Labour Court No. 1 at Kolhapur in Application (ECA) No. 84/C-19/2014.”

5. Stand over to **22nd April, 2025.**

[Sharmila U. Deshmukh, J.]