



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

WRIT PETITION NO. 5439 OF 2024

Zilla Parishad, Akola
Through its Chief Executive Officer,
Akola, Tq. and District - Akola.

.... **PETITIONER**

// **VERSUS** //

- 1) Shankar Raghunath Gavhal,
Aged about 52 years, Occ.-Service,
R/o. Fadke Nagar,
Behind Hanuman Mandir,
Dabki Road, Akola.

R.2 deleted as per
Court's order dated
13.01.2025.

- 2) The Divisional Commissioner, (**Deleted**)
Amravati Division,
Kanta Nagar, Amravati.

.... **RESPONDENTS**

Mr. M. V. Bute, Advocate for the Petitioner.
Mr. A. J. Pathak, Advocate for the Respondent No.1.

CORAM : SMT. M.S. JAWALKAR, J.
DATE : 10th FEBRUARY, 2025.

ORAL JUDGMENT :

1. **Rule.** Rule made returnable forthwith. Heard finally with the consent of the learned counsel appearing for the parties.
2. By this petition the petitioner is challenging the order dated 11.01.2024, passed by the learned Member, Industrial Court, Akola in Complaint (ULP) No.98/2017.

3. It appears that the respondent No.1 herein filed Complaint (ULP) No.98/2017, which was partly allowed as the respondent Nos.1, 2 and 3 are indulged in an unfair labour practice under Item 5 and 9 of Schedule IV of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971. The respondent Nos.1 to 3 thereafter directed to appoint the complainant on the post of “Mistry Grade-2” (Class III Post) as per the Government Resolution (GR) dated 29.09.2003 and 14.02.2017 and pay all the monetary and consequential benefits of and difference thereof to the complainant as per the GR dated 29.09.2003 and 14.02.2017 in respect of salary along with interest at the rate of 10% from 29.09.2003. Accordingly, the Commissioner, Amravati Division, Amravati allowed the respondent No.1 to join as “Mistry Grade-2” at Akot. So far as amount payable along with interest, vide communication dated 12.12.2024 it appears that the Chief Executive Officer, Zilla Parishad, Akola demanded amount of Rs.9,93,105/- which is including interest from the Commissioner of Soil and Water Conservation, Maharashtra State, Chatrapati Sambhaji Nagar.

4. The learned Counsel for the petitioner – Zilla Parishad Akola agreed to pay amount of arrears of salary within a period of four weeks. So far as interest part is concerned, demand is already made by the Chief Executive Officer to the Commissioner of the Soil and Water

Conservation, Maharashtra State, Chatrapati Sambhaji Nagar, vide communication dated 12.12.2024.

5. In view of that the Writ Petition is **partly allowed**.

6. Accordingly, the petitioner is hereby directed to pay the arrears of salary i.e. amount of Rs.5,33,384/- to the respondent No.1 within a period of six weeks. So far as interest part is concerned, if the amount of interest is not received by the Zilla Parishad, Akola as per request within two months, the respondent No.1 is free to take appropriate steps for compliance of the same.

7. The Writ Petition stands disposed of in the above terms. No costs.

(SMT. M.S. JAWALKAR, J.)

Kirtak