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

WRIT PETITION NO. 48 OF 2020

M/S. HINDUSTAN CONSTRUCTION COMPANY
LIMITED & ORS. ..PETITIONERS
VS.
KISHOR GOVIND MAGAR ..RESPONDENT

Mr. P.M. Palshikar for petitioners.
Mr. Jagdish G. Aradwad (Reddy) for respondent

CORAM : M.S.KARNIK, J.

DATE : JANUARY 18, 2021.

P.C.:-

The order under challenge is an order passed by the Labour Court in the application made under Section 33C(2) of the Industrial Disputes Act, 1947 directing the petitioner to pay to the respondent - workman the amount of back-wages of Rs.13,31,556/- with interest 12% from the date of the order.

2. During the pendency of this Petition, as submitted by the learned counsel for the petitioners the amount as per Clause 2 of the order dated 21.12.2020 has been deposited. Learned counsel for the petitioner says that the amount has been deposited before the Industrial Court.

3. Heard learned counsel for the parties. Arguable questions are raised, hence Rule. Rule is made returnable after twelve weeks.

4. My attention is invited to the order dated 21st December, 2020 passed by this Court which reads thus :

“ Grievance of the Respondent-workman is that the Petitioner has not deposited the back wages.

2. Learned counsel for the Petitioner states that the back wages for the period from 2006 to 2016 have been deposited in the Industrial Court on the basis of the last drawn salary. He submits that the Respondent was reinstated in 2019. However, he has failed to report for duties. He makes a statement that the back wages for the further period from 2016 till the date of reinstatement would be deposited in the Industrial Court on the basis of last drawn salary within a period of four weeks. Statement is accepted.

3. The Industrial Court shall permit the Respondent - Workman to withdraw the said amount without entertaining any objection for withdrawal. The withdrawal shall be without prejudice to the rights and contentions of the Respondent-workman.

4. Respondent-Workman has stated that he is unable to engage a lawyer. The earlier order of appointment of a lawyer from Legal Aid Panel has been cancelled on administrative side. Hence, Mr. J.G. Reddy, learned counsel is appointed as an amicus curie and requested to represent the Respondent-workman in the proceedings.

5. Stand over to 18/01/2021. Ad-interim relief, if any, to continue till the next date of hearing.”

5. In compliance with the order passed by this Court, learned counsel for the petitioner says that the order has been complied with and the amount has been deposited in the Industrial Court. In this view of the matter, the impugned order passed by the Labour Court is stayed.

6. I must place on record the appreciation for the assistance rendered by Shri Reddy, learned counsel appointed by this Court to represent the respondent - workman.

7. This order will be digitally signed by the Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

(M.S. KARNIK, J.)