

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO.2048 OF 2010

Mahrukh Shavak Chikliwala & Ors. .. Petitioners.
Vs.
Union of India .. Respondent.

WITH

**WRIT PETITION NO.282 OF 2011
WITH
CHAMBER SUMMONS NO.276 OF 2011**

Rajendra Sadashiv Nesarikar & Ors. .. Petitioners.
Vs.
Union of India & Ors. .. Respondents.

WITH

WRIT PETITION NO.1189 OF 2011

Brajesh K.Darad & Ors. .. Petitioners.
Vs.
Union of India & Ors. .. Respondents.

WITH

WRIT PETITION NO.1438 OF 2011

Indian Pilots Guild .. Petitioners.
Vs.
Air India Ltd. .. Respondent.

WITH

WRIT PETITION NO.2641 OF 2010

Shashikant Narayan Dhotre & Ors. .. Petitioners.
Vs.
Union of India & Ors. .. Respondents.

Mr.Sanjay Udeshi i/b M/s.Sanjay Udeshi & Co. for the petitioner in
WP Nos.2048/2010 and 2641/2010.

Mr.Mohan Bir Singh i/b MBS & Co. for the petitioner in WP No.

282/2011.

Mr.S.K.Singhvi i/b Bennet D'Costa for the petitioner in WP No. 1438/2011

Mr.N.Jayraman for the petitioner in WP No.1189/2011.

Mr.Rajiv Chavan with Kunal Chaudhary, N.R.Prajapati, G.Hariharan, Ms.Neeta Masurkar and Mr.Mandar Goswami for respondent - Union of India in all petitions.

Mr.S.K.Talsania, Sr.Counsel with Mr.Girish Kulkarni, Ms.Kavita Anchan i/b M.V.Kini for respondent nos.2 and 3 in all petitions.

**CORAM : D.B.BHOSALE &
K.K.TATED, JJ.
DATED : 23RD NOVEMBER, 2011**

P.C.

1. Mr.Talsania, learned senior counsel for respondent nos.2 and 3 filed an affidavit of the Assistant General Manager-Finance of respondent no.2 dated 22nd November, 2011 and served copies thereof on the advocates appearing for the petitioners in all the petitions. Paragraph 9 of the affidavit reads thus:

"9. I say that however, in pursuance of the hearing of the aforesaid Writ Petition on 21.10.2011, the 2nd respondent again re-considered the situation. I say that it was decided that the 2nd respondent would endeavour to make payment of the said arrears of the wage settlement in the following manner:-

(i) the 2nd respondent would make payment of Rs.5 Crores per month with effect from 1st April 2012 towards the payment of wage settlement arrears by first clearing the arrears of the retired employees on the basis, the oldest retirees would be paid first for

example, employees retired in the year 1997 would be paid first, thereafter employees retired in the year 1998 would be paid and so on.

(ii) In this proportion, it is estimated that the 2nd respondent could take 15 months to clear the wage arrears of the retired employees.

(iii) After the retired employees have completely paid, the wage settlement would be cleared in the same manner of an amount of Rs.5.00 crores per month being devoted for the same. It is expected that the amount be paid to the existing employees would be cleared about 22 months of completion of payment of the retirees."

2. In view of the contents of paragraph 9 as aforementioned and at the request of learned counsel appearing for the parties this petition to come up for further hearing on 16th April, 2012. Till then we hope the first instalment as mentioned in paragraph 9 will be paid by respondent nos.2 and 3.

3. Insofar as Writ Petition No.1438 of 2010 is concerned, it is open to respondent no.1 to file their reply affidavit, if they so desire, with an advance copy thereof to the advocate for the petitioner before the next date. Stand over to 16th April, 2012.

(K.K.TATED,J.)

(D.B.BHOSALE,J.)