



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

WRIT PETITION NO. 3516 OF 2018

Bharat R. Yadav.

...Petitioner.

V/s.

Edicon Mining Equipment(P) Ltd. & Anr.

...Respondents

*Ms. Pratiksha Thube with Mr. Rupika Narkar i/b. Mr. Yogesh Dabke,
Advocate for Petitioner.*

Mr. T.R. Yadav i/b. Mr. R.V. Paranjpe, Advocate for Respondents.

CORAM: SANDEEP V. MARNE, J.

DATED: 23 APRIL 2026.

P.C.:

1) The Petitioner challenges the Judgment and Order dated 31st July, 2017 passed by the Member, Industrial Court, Mumbai dismissing the Complaint (ULP) No. 359 of 2013. The Complaint was filed by the Petitioner for implementation of Award dated 30th November, 2012 passed in Reference (IDA) No. 188 of 2010.

2) I have heard Ms. Thube, learned Counsel appearing for the Petitioner and Mr. Yadav, learned Counsel appearing for the Respondents.

3) Cross-examination of the Petitioner conducted on 10th July, 2017 indicates that he has given specific admission of receipt of 50%



back-wages granted in the Award. He gave admission of receipt of an amount of Rs. 2,34,955/-. Similarly, Cross-examination also bears out the fact that the Respondent was at Chaksareli, Joanpur, District U.P. in July, 2013. The Cross-examination of the Petitioner dated 10th July, 2017 is reproduced as under :

“Resumed on oath.

Complaint (ULP) No. 359 of 2013

Exh. U-13

Cross examination by Ld. Advocate Shri. PA. Deogaonkar for the respondents

It is true to say that Award in Ref. (IDA) No. 188/2010 is implemented. It is true to say that I have received 50% Backwages as passed in Award. It is true that I received Rs. 2,34,955/- as against Rs. 2,06,967/- claimed in para (9) (e) of complaint. The award was published on 6/7/2013. I received award copy on 11/7/2013. On 29/7/2013 I made correspondence through Advocate for implementation of Award, by RPAD. On 29.7.2013 I was in Chaksareli, Joanpur Dist. U.P. The averments in para 6-10 have come for first time in affidavit and they are not in my Complaint. It is not true to say that Respondent has not engaged in ULP

It is not true to say that I have filed false affidavit and giving false deposition in this complaint.

No re.

R.O.A.C.”



4) This shows that the Petitioner did not report for duties in pursuance of the order of reinstatement. He has already received 50% of back-wages. No interference is therefore, warranted in the impugned order passed by the Industrial Court.

5) Writ Petition is accordingly dismissed. Rule is discharged.

[SANDEEP V. MARNE, J.]