

Maria S.

**IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO.348 OF 2023(FILING)**

Vishal Gomantak Shipping Company Private Limited rep. by Director Subramany ... Petitioner

Versus

The Mormugao Water Front Workers Union ...Respondent

**Mr Ashwin D. Bhobe with Ms Shaizeen B. Shaikh,
Advocates for the Petitioner.**

CORAM: M. S. KARNIK, J

DATED: 14th MARCH 2023

P.C.

1. Heard learned counsel for the petitioner.
2. The challenge in this petition is to the order passed by the Commissioner, Labour And Employment, Government of Goa, under Section 33-C(1) of the Industrial Dispute Act, 1947.
3. Learned counsel invited my attention to the Award passed by the Industrial Tribunal whereby the Tribunal had awarded the workers 50% of the total back wages along with other consequential benefits to be calculated on the basis of notification and orders referred to in the said Award. The Award was accepted by the management as well as the workers. However, there have been some disputes over the calculations made in the execution of the Award by the Labour Commissioner under Section 33C(1) of the Industrial Disputes Act. The matter was remanded on the earlier occasion for

recalculation in the light of the observations made in the Award of the Tribunal.

4. Learned counsel submits that the Officer who was directed by the Labour Commissioner to calculate the dues payable as per the Award dated 30.11.2018 has arrived at a correct figure. The amount of ₹3,47,16,556/- (Rupees Three Crores Forty Seven Lakhs Sixteen Thousand Five Hundred and Fifty Six only) are the total back wages calculated and 50% of that would come to around 1,74,00,000/- (Rupees One Crore Seventy Four Thousand only). Learned counsel for the petitioner submitted that the amount of ₹1,84,03,094/- (Rupees One Crore Eighty Four Lakhs Three Thousand Hundred and Ninety Four only) has already been deposited with the Labour Commission prior to the calculation so made. It is the grievance of the learned counsel for the petitioner that instead of accepting the calculations of the Officer, the Labour Commissioner has opined that 50% of the back wages would include benefits such as gratuity, bonus and leave encashment to be calculated on the wages payable on the date of superannuation/death/date of Award, whichever is earlier.

5. Issue notice to the respondents returnable on 05.04.2023. In addition to Court notice, private notice is permitted.

6. Till the next date, no coercive action be taken against the petitioner.

M. S. KARNIK, J