

Devdas Babu Shetty Vs. General Education Academy and anr.

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SooperKanoon Citation : sooperkanoon.com/360191

Court : Mumbai

Decided On : Jan-19-2009

Reported in : (2009)IIILLJ19Bom

Judge : D.K. Deshmukh and ;A.A. Sayed, JJ.

Acts : [Industrial Disputes Act, 1947](#) - Sections 33; Maharashtra Employees of Private School (Conditions of Services) Regulations Act, 1977; Maharashtra Employees of Private School (Conditions of Services) Regulations Rules

Appeal No. : A. No. 23/2004

Appellant : Devdas Babu Shetty

Respondent : General Education Academy and anr.

Advocate for Def. : K.M. Naik, Adv.

Advocate for Pet/Ap. : V.P. Vaidya, Adv.

Disposition : Appeal dismissed

Judgement :

1. By this petition, the petitioner challenges the order passed by the learned single Judge by which the learned single Judge has allowed the petition filed by the respondent by setting aside order passed under Section 33(c)(2) of the [Industrial](#)

[Disputes Act, 1947](#) by the Industrial Tribunal.

2. The petitioner was a non-teaching employee in an unaided private school. He filed an application before the Industrial Court under Section 33(c)(2) for giving him benefits of medical reimbursement. Admitted position is that the conditions of service of the appellant as also of the other non-teaching employees working in unaided recognized private school are governed by Maharashtra Employees of Private School (Conditions of Services) Regulations Act, 1977 and the Rules framed' thereunder. There is no provision made either in the Act or the Rules for giving reimbursement of medical expenses incurred by non-teaching employee of an unaided private recognised school.

3. In this background, therefore, though there may be a right conferred by the Act on the employees of unaided private recognized school that they are entitled to the same conditions of service and benefits as applicable to the employees of aided recognized private schools, unless the Director in exercise of his powers under the Act issues direction in that regard, an application under Section 33(c)(2) for grant of reimbursement would not be maintainable.

4. Taking overall view of the matter, we do not find any patent illegality in the order passed by the learned single Judge. The appeal therefore fails and dismissed. No order as to costs.