

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.3252 OF 2012

CHANDKHA YAKUBKHA PATHAN
AND ANOTHER

PETITIONERS

VERSUS

MAHARASHTRA STATE ROAD
TRANSPORT CORPORATION

RESPONDENT

Mr.P.V.Barde, Advocate for the petitioners.
Mr.B.S.Deshmukh, Advocate for the respondent.

(CORAM : RAVINDRA V. GHUGE, J.)
DATE : 26/08/2015

PER COURT :

1. The petitioner has challenged the impugned judgment dated 24/03/2011 delivered by the Industrial Court, Ahmednagar in Complaint (ULP) Nos.1/2005 and 43/2005.

2. I have heard Mr.Barde, learned Advocate for the petitioners and Mr.Deshmukh, learned Advocate for the respondent/Corporation for quite some time. However, I find that this petition is rendered of an academic interest since the directions issued by the Industrial Court in Clause 3 of the operative part, by which the respondent/ Corporation was directed to give an opportunity of hearing to the complainants on issue of fixation of wages or rejection of wages, has already been

complied with.

3. The Industrial Court, in clause 3 of the impugned judgment, has directed the respondent/Corporation as under :-

“The respondent is hereby directed to cease and desist from continuing to engage in unfair labour practice by giving opportunity of being heard to the complainants on the issue of fixation of wages or reduction of wages considering Rule No.162 M.C.S.Rules as well guidelines given by the Head Office of the respondent within the period of one month from today, else continue to pay the wages fixed previously prior to deduction and not to make any change or deduct any amount from the wages paid to the complainants prior to revised orders.”

4. It is stated by both the learned Advocates that pursuant to the directions of the Industrial Court, the respondent Corporation has passed an order dated 05/09/2011, which is annexed at page Nos. 42 to 45 of the petition paper book, which is dated 05/09/2011.

5. The Industrial Court has failed to exercise jurisdiction vested in it by Law and has virtually abdicated its jurisdiction by concluding that the Court is not expected to fix the wages under the provisions of the M.R.T.U. and P.U.L.P.Act, 1971. In the light of the above, despite the fact that the petitioners have raised an arguable point, I am not entertaining this petition so as to grant liberty to the petitioners to assail the order

dated 05/09/2011 before the Industrial Court by filing a fresh complaint.

6. This petition is disposed of without causing any interference in the impugned order only on account of the subsequent event of the respondent having implemented the directions of the Industrial Court by passing the order dated 05/09/2011.

7. Nevertheless, the petitioners herein are permitted to challenge the said order dated 05/09/2011 by resorting to an appropriate remedy.

8. Petitioner No.2 namely Gahininath Paraji Shirsath has superannuated and the respondent has deducted an amount of Rs.58,000/- from his retiral benefits. As such, the aspect of deduction of Rs.58,000/- shall be subject to the result of the complaint which the petitioners may file before the Industrial Court. The said petitioner Mr.Shirsath shall therefore be at liberty to seek interest on the amount deducted, in the event of the Industrial Court allowing the complaint.

9. With the above observations, this petition is disposed of.

(RAVINDRA V. GHUGE, J.)