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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.7031 OF 2011
IN
WRIT PETITION NO.6356 OF 2010

Anil Amarsing Thakur. ..Applicant
-Versus-
Mahila Aarthik Vikas Mahamandal
Maryadit, Mumbai. ..Respondent

WITH
CIVIL APPLICATION NO.7032 OF 2011
IN
WRIT PETITION NO.971 OF 2010

Surendrakumar Jairam Kamble. ..Applicant
-Versus-
Mahila Aarthik Vikas Mahamandal
Maryadit, Mumbai. ..Respondent

WITH
CIVIL APPLICATION NO.7034 OF 2011
IN
WRIT PETITION NO.1848 OF 2010

Suryakant Shankarrao Waghmare. ..Applicant
-Versus-
Mahila Aarthik Vikas Mahamandal
Maryadit, Mumbai. ..Respondent

WITH
CIVIL APPLICATION NO.7033 OF 2011
IN
WRIT PETITION NO.1847 OF 2010

Vijaysinha Tukaram Ingle and another. ..Applicants
-Versus-
Mahila Aarthik Vikas Mahamandal
Maryadit, Mumbai. ..Respondent

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Mr.J.M.Murkute, Advocate for the Applicants.
Mr.S.K.Chavan h/f Mr.A.L.Tikle, Advocates for the Respondent.

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 20th February, 2015

Per Court:

1 I have heard the learned Advocates appearing for the Applicants and the Respondents.

2 There are four Writ Petitions filed by Mahila Aarthik Vikas Mahamandal Maryadit, Mumbai bearing Writ Petition Nos.1360/2005, 3059/2005, 3060/2005 and 3061/2005 for challenging the judgments of the Labour Court as well as the Industrial Court in relation to the present Applicants/ Employees. Civil Applications have also been filed by the Employees in the said Writ Petitions, all of which are pending hearing. These Writ Petitions do not lie before this Court as per the present Assignment/ Roster.

3 To the extent of the present Civil Applications, the grievance of the Applicants is that the Employer/ Respondent herein has deposited Rs.89,146/-, Rs.87,208/-, Rs.53,800/- and Rs.1,41,067/- in the above four

Civil Applications respectively. There are two Applicants in the last Civil Application and one each in the first three Civil Applications.

4 The Applicants contend that despite their reinstatement on 10.10.2013 (three of them) and 27.12.2012 (one employee), regular wages have not been paid.

5 Since the four petitions filed by the Employer in 2005 are pending and the petitions filed by the Applicants/ Employees in the year 2010 are also pending, ends of justice would be met by permitting these Applicants to withdraw the said amounts deposited by the Employer so as to be adjusted against their outstanding wages.

6 Needless to state, this order is being passed on the admitted position as regards the dates of reinstatement of the Applicants. As such, the disbursement of these amounts shall be subject to the outcome of the Writ Petitions filed by the Employer as well as by the Employees.

7 In the light of the above, these four Civil Applications are allowed. The Applicants in the first three Civil Applications shall withdraw the said amount. The two Applicants in the last Civil Application shall withdraw the amount in equal shares.

8 However, these five Applicants shall tender an undertaking in these petitions that they shall return the said amounts in the event the judgments of the Labour Court and the Industrial Court are interfered with by this Court and in the event the petitions filed by the Employer are finally allowed. Along with the undertaking, the Applicants shall annex the self attested copies of their Permanent Account Number (PAN) of Income Tax, Aadhar Card, their residential address proof and shall also mention their cellular phone number in the undertakings. Any change in their address or cellular number shall be informed by the Applicants to the Respondent/ Employer in writing.

9 Needless to state, the passing of this order shall not create any impediment for the Employer to contend that these petitions filed by the Applicants/ Employees for seeking back-wages directly before this Court without exhausting the remedy under Section 44 of the MRTU & PULP Act, 1971, are untenable in law.

(**RAVINDRA V. GHUGE, J.**)