

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 14419 OF 2015
IN WRIT PETITION NO.4057/2011
WITH CIVIL APPLICATION NO.3984/2014
AND CIVIL APPLICATION NO.11357/2014

SECRETARY, MARATHWADA LAL BAWTA KAMGAR UNION
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Applicant : Shri Yenge Balaji B.
AGP for Respondents: Shri Salgare S.J.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: October 30, 2015
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PER COURT :-

1. The applicant - Union, which is the original respondent in Writ Petition No.4057 of 2011, by this application prays for leave to collect the cheques on behalf of the individual beneficiary workmen and handover the cheques to such individuals.
2. Shri Yenge, learned Advocate submits that it would be cumbersome and impractical for individual workmen to travel to Aurangabad by spending amounts for travelling only for the purpose of receiving their amounts which are small portions. It is submitted that instead the applicant Union representative can collect the cheque and handover the same to the individual workmen.
3. Learned AGP submits that the individual undertakings are ordered to be placed on record. Similarly, if the Union - Secretary files an undertaking, by which he will be bound to handover the individual cheques to the workmen, the respondents will have no objection.
4. In the light of the above, this Civil Application is allowed. The Union Secretary, duly identified by the learned Advocate for the applicant is

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permitted to collect the cheques on behalf of the individual workmen only after submitting an undertaking affidavit stating that he shall be duty bound to ensure that the cheques are handed over to the individual workmen, within three weeks from the date of receiving them. Tangible identity proof shall also be placed on record.

5. After the cheques are handed over to the individual workmen by the Secretary of the applicant Union, he shall produce an original acknowledgment receipt from each of such individual workmen of having received the cheque and shall file them with the Registry.

6. If any dispute is raised by any individual workmen in relation to non-receipt of the cheque, same shall be a dispute between the applicant Union and the individual workmen and for which the respondents / departments shall not be responsible.

7. In the light of the above order, all pending Civil Applications stand disposed off.

(RAVINDRA V. GHUGE, J.)

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