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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CIVIL APPLICATION NO. 9607 OF 2015
IN WP/2097/2015
WITH
CIVIL APPLICATION NO.9661/2015
IN WP/2098/2015

SUDHIR KAMALKAR AYACHIT
&
ANANT NARHARI SONAR
VERSUS
MAHARASHTRA STATE ELECTRICITY BOARD, PARLI-VAIJNATH

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Advocate for Applicant : Shri T.K.Prabhakaran h/f Shri Telangre G.S.
Advocate for Respondents : Shri S.M.Godsay.

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CORAM: RAVINDRA V. GHUGE, J.
DATE :- 22nd September, 2015

Per Court:

1 Both the learned Advocates submit on instructions that they have no objection if this Court hears these matters.

2 Both the Applicants are the original Respondents in the respective Writ Petitions. Both of them have succeeded before the Industrial Court in Complaint (ULP) Nos.69/2013 and 71/2013 which were allowed by the common judgment and order dated 26.09.2013, impugned in the main Writ Petitions.

3 I have heard Shri Prabhakaran, learned Advocate for the

Applicants and Shri Godsay, learned Advocate on behalf of the sole Non-Applicant/ original Petitioner.

4 It is not in dispute that both the Applicants are in employment of the Non Applicant/ Petitioner. Both are discharging their duties. Both have been granted permanency by the impugned judgment and order of the Industrial Court which has been challenged by the Non Applicant/ Petitioner. It is also not in dispute that the amount of Rs.1 lac deposited by the Non Applicant/ Petitioner in each of these petitions is under the orders of this Court.

5 It is submitted by the Applicants that despite being in employment, they have not been paid their monthly wages from June, 2013. This statement is controverted by Shri Godsay, who submits that these Applicants were engaged through the Labour Contractor. Shri Godsay, therefore, submits that these applications be rejected and the Applicants be prevented from withdrawing the said amount.

6 The Applicants have been granted regularization by the impugned judgment with consequential monetary benefits from 04.06.1996. The amount of Rs.1 in each petition, deposited in this Court is by way of compensation granted by the Industrial Court. All the

contentions raised by the Non Applicant/ Petitioner can be considered while deciding the main petitions.

7 I have considered the submissions of the learned Advocates.

8 The amount of Rs.1 lac deposited in this Court in each of these petitions is in the light of the order passed by the Industrial Court directing the Non-Applicant/ Establishment to pay Rs.1 lac by way of compensation to each of these Applicants.

9 In the event these applications are allowed, the Applicants can be put to terms by directing them to file an undertaking that in the event they fail in these petitions, the amount withdrawn by them shall be adjusted against their legal dues/ unpaid wages, if any and in the event, no such amounts are payable to them, they shall return the said amount by depositing the same in this Court.

10 As such, these applications are partly allowed with the following directions:-

- (a) Each of the Applicants shall submit an undertaking supported with an affidavit stating therein that after withdrawing the amount of Rs.1 lac each from this Court with accrued interest,

in the event they fail in these petitions, the amounts so withdrawn shall be adjusted against their unpaid wages/ legal dues and in the event none are payable to them, they shall deposit the said amounts in this Court within a period of eight weeks from the decision in the main petitions.

- (b) The Applicants shall produce tangible identity proof in the form of PAN card (Income Tax Department) or Adhaar Card or Election Identity Card or any other authentic identity proof, while withdrawing the amount.
- (c) After filing the undertaking as well as depositing the identity proof in this Court as directed above, the Applicants shall withdraw the said amount of Rs.1 lac each with accrued interest.
- (d) A copy of the affidavit shall be served upon the Non Applicant/ Petitioner at the earliest.

11 Insofar as the prayer clause (C) set out in the Civil Applications is concerned, the Applicants are at liberty to file separate Civil Applications for seeking directions so as to espouse the said prayer.

(RAVINDRA V. GHUGE, J.)

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WRIT PETITION NO.2097 OF 2015
WITH
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MAHARASHTRA STATE ELECTRICITY BOARD, PARLI-VALJNATH
VERSUS
SUDHIR KAMALKAR AYACHIT
&
ANANT NARHARI SONAR

...

Advocate for Petitioner : Shri S.M.Godsay.

Advocate for Respondents : Shri T.K.Prabhakaran h/f Shri Telangre G.S.

...

CORAM: RAVINDRA V. GHUGE, J.

DATE :- 22nd September, 2015

Per Court:

1 In the light of the order passed today in Civil Application Nos.9607/2015 and 9661/2015, both these petitions be placed for admission on 15.10.2015. These matters shall appear in the supplementary board.

(RAVINDRA V. GHUGE, J.)