

IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD

WRIT PETITION NO. 2369 OF 2014  
WITH CA/9803/2015 IN WP/2369/2014  
WITH WRIT PETITION NO. 2370/2014  
WITH CA/9836/2015 IN WP/2370/2014

THE MAHARASHTRA STATE ROAD TRANSPORT CORPORATION & ANR  
VERSUS  
RAVINDRA PRABHAKAR DABADGAON AND OTHERS

...  
Advocate for Petitioners : Shri D.S.Bagul  
Advocate for Respondents 1 to 4 : Shri P.M.Shinde  
AGP for Respondent 5: Shri S.G.Sangle

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CORAM : RAVINDRA V. GHUGE, J.  
Dated: September 14, 2015  
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PER COURT :-

1. After hearing the learned Advocates for the litigating sides at length on 24.8.2015, this Court had observed in its order in paragraph Nos.1 to 3 as follows:-

*“1. These matters were heard at length.*

*2. I do not find from the impugned judgment, delivered by the Industrial Court, any reference to specific categories and specific clauses of the Settlement under which the respondents / employees have claimed benefits or could have been granted benefits by the Industrial Court. The least that was expected is that the Industrial Court should have arrived at specific conclusions with regard to the categorization of the original complainants and the clauses of the Settlement, which can be said to be applicable to them for deriving benefits thereunder.*

*3. Shri Shinde, learned Advocate for the respondents prays for*

*sometime to take instructions as to whether the respondents would prefer to address the mind of the employer.”*

2. Shri Shinde, learned Advocate on behalf of the respondents / employees submits on instructions from his clients, who are present in the Court, that they would prefer to address the mind of the employer and also submit written notes of submissions. The impugned judgment could be set aside by consent and the petitioners be directed to hear the respondent employees and pass a fresh order. Learned counsel for the petitioners is agreeable

3. In the light of the above, these petitions are partly allowed by consent with the following directions:-

(A) The impugned judgment delivered by the Industrial Court, dated 1.4.2013 in Complaint (ULP) Nos. 145 and 146 of 2011 is set aside and the complaints are disposed off.

(B) Each of the respondents / employees shall submit a proper representation within a period of four weeks from today to the Divisional Controller, MSRTC, Latur.

(C) The said authority shall issue notices to the respondents/ employees and shall cause a personal hearing.

(D) The respondents / employees are also permitted to tender their written notes of submissions besides addressing the competent authority in person.

(E) The competent authority shall decide the representations of the respondents / employees within a period of six weeks from the date of their tendering the representation and shall communicate the order passed on the representation, forthwith.

(F) Needless to state the competent authority shall decide the representations of the respondents / employees in accordance with the Government Resolutions / Circulars as may be applicable and as may be relied upon by the respondents / employees.

(G) In the event, the order of the competent authority is prejudicial to the interest of the respondents / employees, they shall be at liberty to resort to such remedies as may be available in law.

4. Shri Shinde submits that the amount deposited in this Court be disbursed to the respondents / employees with accrued interest pending decision of the competent authority on the representations which are to be filed within four weeks from today.

5. Shri Bagul submits that the statement of the petitioners may be recorded that in the event any amounts are payable to the respondents / employees, the petitioners shall do so in accordance with law.

6. By recording the statement of the petitioners and in the light of the fact that the issue / grievance of the respondents / employees is to be decided by the competent authority, the amount deposited in this Court with accrued interest is directed to be returned to the petitioners upon an application being filed through its competent authority for such withdrawal.

7. Pending Civil Applications do not survive and accordingly stand disposed off.

( RAVINDRA V. GHUGE, J. )

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akl/d