

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 11779 OF 2012
IN WP/5720/2005 WITH
CIVIL APPLICATION NO. 11777/2012 IN WP/6181/2005,
CIVIL APPLICATION NO. 11778/2012 IN WP/6180/2005,
CIVIL APPLICATION NO. 11783/2012 IN WP/6182/2005 &
CIVIL APPLICATION NO. 9070/2015 IN WP/5719/2005.

THE STATE OF MAHARASHTRA
VERSUS
RAMA LAXMAN BANDE

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AGP for Applicant : Smt. Shinde V.A.
Advocate for Respondents : Shri Shelke S.K.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: August 05, 2015

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PER COURT :-

1. The applicant points out the orders passed by this Court on 10.7.2009 in Civil Application No.452 of 2008 in Writ Petition No.5717 of 2005 and connected matters, by which, the respondents - employees were permitted to work for 20 days or earn 20 days' wages as ad-hoc labourers.
2. By order dated 5.2.2010, passed in the said Civil Applications, the petitioner / department was directed to deposit the amounts in this Court. It is stated that these two orders were passed on the applications filed by the employees, seeking benefits of Section 17B of the Industrial Disputes Act, 1947.
3. The learned AGP submits that the employees mentioned in the above five Civil Applications have retired and as such, they would not be entitled to Section 17B benefits.
4. Shri Shelke, learned Advocate has strenuously opposed the request of the applicant / department and he prays that the Section 17B benefits be made available to the respondents / employees till the disposal of the Writ Petitions.

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5. I have considered the submissions of the learned Advocates. It is trite law that the Section 17B benefits are not available after an employee attains the age of superannuation.

6. As such, these Civil Applications are partly allowed. The applicant / department need not extend the Section 17B benefits to such employees, who have attained the age of superannuation.

7. By consent of the parties, all the Writ Petitions are posted to 13.8.2015 at 2.30 p.m. for final hearing.

(RAVINDRA V. GHUGE, J.)

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