

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.16154 OF 2015
IN
WRIT PETITION NO.7149 OF 2006

SHAIKH KAISAR SHAIKH SAJID AND OTHERS APPLICANTS

VERSUS

THE FORBES GORKAK LIMITED, RESPONDENTS
THROUGH ITS MANAGER AND OTHERS

Mr.J.N.Singh, Advocate for the applicants.
Mr.S.V.Dankh, Advocate for respondent No.1.
Mr.D.R.Korde, AGP for respondent Nos. 2 and 3.

(CORAM : RAVINDRA V. GHUGE, J.)

DATE : 11/12/2015

PER COURT :

1. Mr.Dankh, learned Advocate and the learned AGP appear for respondent No.1 and respondent Nos.2 and 3 respectively.

2. The learned AGP frankly submits that when this Court passed an order dated 11/09/2015 in CA No.11689/2015, inadvertently it was not brought to the notice of this Court that respondent Nos. 2 and 3 Department were unable to trace out the original applications of the 42 applicants. Time was sought for producing copies of the original application.

3. Mr.Singh, learned Advocate for the applicants submits that the matters before the Controlling Authority/Labour Court, Aurangabad have got stuck since the Court insists upon reconstruction of the records so as to proceed in the matters.

4. Learned Advocates for the respondents do not oppose.

5. Considering the peculiar situation as above, this civil application is allowed. The petitioners as well as the respondents shall assist respondent No.3 / Deputy Commissioner of Labour in reconstructing the entire records pertaining to the files in Appeal Nos. 15/2005 to 56/2005. This exercise shall be completed on or before 31/12/2015.

6. Needless to state, the reconstruction of the files shall consist the original applications for payment of gratuity, written say of respondent No.1, all documents filed which the respective parties have in their own file concerning the said applications, the memo of appeals and accompanying documents as well as the written say, if any, of respondent No.1. It is expected that respondent No.1 shall assist in the reconstruction without causing any delay.

7. After the files are reconstructed on or before 31/12/2015, the same shall be transmitted to the Controlling Authority / Labour Court, Aurangabad by a Special Messenger from the Office of the Deputy Commissioner of Labour, Aurangabad on or before 15/01/2016.

8. The litigating sides fairly give their consent for extending the time for the Labour Court to decide these appeals till 30/04/2016.

(RAVINDRA V. GHUGE, J.)