

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.4294 OF 2014

1. Shri Balkrishna Anaji Ambre
R/o. A/4, Gurdutta Co-op. Hsg. Soc.
Nardas Nagar, Near Pragati School,
Khopoli Road, Bhandup (West),
Mumbai-400 078.
2. Shri Ramesh Chintaman Sule
R/o. 2/97, Kapilastu Co-op Hsg. Soc.
Datar Colony near Paranjpe Udyan
Bhandup (East), Mumbai-400 042.
3. Shri Vishnu Pandurang Dabhokar
R/o.302, Ankur CHS Behind
Ambernath High School, Vaighav
Nagar, N.G. Acharya Marg,
Chembur, Mumbai-400 071.
4. Shri Satyavan Rajaram Mistri
R/o. G-4, Gomsa House,
Ashok Nagar, Damle Colony,
Kanjur Marg (East),
Mumbai-400 042.
5. Shri Shrirang Shripati Desai
R/o. Shree Complex, A 6,
301, Near Talathi Office, Belvali,
Badlapur (West), Thane.
6. Shri Rajan V. Samel,
R/o. D-602, Shreenath Dham,
Behind Kamal Vihar Hote, Agra Road,
Bhandup (West), Mumbai-400 078.

7. Shri Vithal Laxman Patil
R/o. Eros CHS Ltd.
103, 1st Floor, Opp. Ankur Hospital,
Kanjur Marg (East), Mumbai-400 042.

8. Shri Mangesh Shantaram Pawar
R/o. B-818, Devkrupa CHS Ltd.
Anand Park, Thane (West)-400 601.

9. Shri Popat Genbhau Pawade
R/o. Gawane Wasti, Adinath Naar,
Bhosari, Pune-411 039.

10. Shri Nakulan R. Nair,
R/o. Riya Nivas, Town LPS Road,
Kadakkal (P.O.) Kadakkal
Kollam (Dist) Kerala

.. Petitioners.

V/s

M/s Lawkin Limited
(known as Godrej Boyce & Mfg. Co.Ltd
Lawkin Motors Group)
Office at Shindewadi, Shirval,
Tal. Khandala, Dist. Satara.

.. Respondent.

Ms. Sunita Dabhadkar, for the Petitioners.

Mr. Sharad Goyal a/w Hemant Telkar i/b Haresh Mehta & Co., for
Respondent.

Coram : Smt. R.P. SondurBaldota, J.

Date : 16th June, 2015

P.C.

1. Each of the petitioners herein had filed applications u/s

33C(2) of Industrial Disputes Act claiming recovery of amounts which would to be due to them under the Voluntary Retirement Scheme (VRS) offered by the respondent-employer on 3rd August, 1992. The applications of all the petitioners have been dismissed by the Labour Court, Thane with finding that none of the petitioners had opted for VRS and as such not entitled to receive any amount thereunder. The Labour Court further held that the applications suffer from delay and laches which were not explained. The petitioners have jointly filed the present petition to challenge the orders on their independent applications.

2. Perusal of the applications, the written statement and the evidence led by the parties shows that five of the petitioners had resigned from service in the month of December, 2001 i.e. prior to the offer of voluntary retirement. These petitioners have also admitted in their cross examination that there was no agreement executed by them under the Voluntary

Retirement Scheme. As regards other petitioners, they had resigned from service much after closer of the VRS. Their resignations are of November, 1992, December, 1992 and January, 2013. As per the petitioners' own case, voluntary retirement scheme was available for acceptance until 21st August, 1992. Thus, the evidence on record clearly establishes the demerits of the petitioners' claim, therefore, findings on all these aspects cannot be faulted with.

3. Similarly, there cannot be fault with the finding of the Labour Court on the delay and laches on the part of the petitioners in approaching the Court. The scheme of voluntary retirement was offered and ended in the month of August, 1992. The petitioners have approached the Court for the first time in the year 1997. Ms. Dabhadkar, the learned advocate for the petitioners submits that in the interim period, the petitioners had been making representations. She also argues that the petitioners were infact working till the year 2002. There is

nothing on record to indicate that any representations had been made. Further it has not even case of the petitioners in their respective applications that they were working till the year 2002. Thus, there is no infirmity in the orders impugned in the petition. Hence, the petition is dismissed.

(Smt. R.P. SondurBaldota, J.)