

JPP

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

WRIT PETITION NO.3700 OF 2015

M/s. Industrial Cleaning Services and Ors. ... Petitioners.

V/s.

Mr. Ramesh Ranchandra Jadhav and Ors. ... Respondents.

Mr. K.M. Naik, Sr. Advocate a/w. Ms. Priyanka Patil for the
Petitioners.

Ms. Seema Sarnaik for the Respondents.

CORAM : N.M. JAMDAR, J.

DATE : 09 DECEMBER, 2015.

P.C. :-

The learned Counsel for the parties after arguing for some time state that the Petition can be disposed off by following order and no reasons in support there be given accordingly, the Petition is disposed off by the following order :-

(a) As regard the order passed on 27 October 2004 by the Industrial Court, Pune, the direction issued in the operative portion Clauses (iii) and (iv), are confirmed.

(b) As regard Clause (v) of the order dated 27 October 2004, the matter is remanded to the Industrial Court for the purpose of carrying out the calculations in respect of bonus, ex-gratia payments and L.T.A., as it is the case of the Petitioners that the amount has already been paid which is disputed by the Respondents – Complainants.

(c) Depending upon the conclusion reached by the Industrial Court on remand as regard Clause (iv), setting aside or confirmation of Clause (ii) holding the Petitioners guilty of unfair labour practice as stated therein would come into effect.

(d) In view of this clarification, the orders dated 14 October 2014 and 2 April 2009 under Section 50 of the M.R.T.U. & P.U.L.P. Act. do not survive.

(e) It is clarified that in case upon remand the Industrial Court upon the fresh adjudication comes to the conclusion that the amount of Rs.10503/- calculated by order dated 2 April 2009 is correct, then it will not be necessary for the Respondents to file fresh application for recovery under Section 50 of the M.R.T.U. & P.U.L.P. Act and the order dated 2 April 2009 would stand revived.

2. All contentions of the parties as regard the calculations are kept open.

3. In view of the fact that the proceedings were initiated in the year 2001 and that it is a grievance of the Respondents that

the workers have not received their rightful dues since long, the Industrial Court will consider giving priority to the exercise of calculations for which purpose the matter is being remanded and carry out the exercise within period of six months from the date the writ of this Court reaches the Industrial Court, if there are no earlier time bound commitments.

4. Writ Petition is disposed off in the above terms.

5. All parties to act on authenticated copy of this order. Parties will appear before the Industrial Court, Pune on 23 December 2015.

(N.M. JAMDAR, J.)