

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

WRIT PETITION NO. 2989 OF 2015

The Kolhapur Municipal Transport,
through Additional Transport Manager & ors. ... Petitioners

v/s

Shri Tanaji Dinkar Waskar ... Respondent

None present for both parties.

CORAM: N.M. JAMDAR, J.

DATED : 1 DECEMBER 2015

PC.:

On 19 August 2015, following order was passed and the petition was dismissed for non-prosecution:

'PC. By order dated 5 August 2015, the matter was adjourned to today and was listed under the caption 'for dismissal'. None appeared when the matter was called out in the morning session and again when it was kept back in the afternoon session. The office remark shows that even the office objections are not removed.

2. The petition is dismissed for non-prosecution.'

Thereafter the civil application was filed and the petition was restored and it was kept today for admission.

2. None appears when the matter is called out. In view of the repeated defaults of the Petitioners the matter is taken out for consideration on merits.

3. The Petitioner – Transport Undertaking challenges the order passed by the Industrial Court, Kolhapur, dated 21 October 2011. The Industrial Court, upon a Complaint filed by the Respondent directed the Petitioners to pay an amount of Rs.30,000/- to the Respondent. The Industrial Court found that the Petitioners had committed an unfair labour practice under Items 9 and 10 of Schedule IV of the M.R.T.U. & P.U.L.P Act, 1971. The Complaint was filed by the Respondent on the ground that the Respondent was dismissed from service. Thereafter he filed a Reference which was allowed by the Labour Court on 13 October 2001 with a direction to the Petitioners to reinstate the Respondent with 50% back wages. The writ petition was filed by the Petitioner which was disposed of confirming the Award of the Labour Court. Thereafter the Petitioners did not implement the order of payment of back wages. Some amount was deposited by the Petitioners, however, there was a shortfall. The Industrial Court, after examination of the accounts found that the Respondent was entitled to Rs.30,000/- towards dearness allowance which was not included in the amount of Rs.2,54,424/-.

4. I have gone through the order of the Industrial Court in which Industrial Court has considered all aspects of the matter. In

fact, the conduct of the Petitioner Undertaking is deplorable. In spite of the orders of this Court and the Award passed in the year 2001, the Petitioner has not taken steps. The Respondent had to resort to coercive methods for payment of his back wages. Even this petition is not being diligently prosecuted even though it is filed on 10 April 2012.

5. The writ petition is accordingly rejected with costs of Rs.5,000/-.

6. The Petitioners shall pay an amount of Rs.30,000/- as directed by the Industrial Court to the Respondent within a period of eight weeks from today.

(N. M. JAMDAR, J.)