

IN THE HIGH COURT OF JUDICATURE AT MUMBAI
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.6711 OF 2014

The Raosaheb Dada Pawar Ghodganga
Sahakari Sakhar Karkhana Limited ... Petitioner
Vs.
General Secretary, Shirur Taluka Sakhar Kamgar
Sabha ... Respondent

Mr. A. V. Lokhande a/w. Mr. Hemant Telkar i/b. Haresh Mehta & Co. for
Petitioner.
Mr. Pankaj M. Patel for Respondent.

CORAM : R. G. KETKAR, J.
DATE : 14 JANUARY 2015

ORDER :

Heard Mr. Lokhande, learned Counsel for petitioner and Mr.
Patel, learned Counsel for respondent.

2. By this Petition under Article 226 of the Constitution of India, the petitioner-sugar factory has challenged the judgment and order dated 19.08.2013 passed by the learned I/c. Member, Industrial Court, Pune below exhibit U-2 in Complaint (ULP) No.238 of 2012. By that order, the Industrial Court held that the Government Resolution dated 01.07.2011 touching the service conditions including wages amounts to an agreement regarding service conditions, and therefore, any breach thereof, if any, may amount to unfair labour practice under Item 9 of Schedule IV of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971. The petitioner shall ensure that the said Government Resolution is implemented.

3. Mr. Lokhande invited my attention to the Government Resolution dated 01.07.2011 as also Clause 17 of Annexure-A to that Government

Resolution. Clause 17 provided that as per the tripartite agreement, the sugar factories will pay the arrears of amount in 3 installments on or before 31.03.2014. Mr. Lokhande has tendered communication dated 08.11.2014 addressed by Managing Director of the petitioner to him setting out therein that the petitioner has paid arrears as per Clause 17 of the Government Resolution dated 01.07.2011 from April 2009 to June 2011 (total 27 months) in 3 installments to all the employees. Photocopy of the said communication is taken on record and marked 'X' for identification. Mr. Lokhande, upon taking instructions from Mr. Harshad Sudamrao Malvadkar working as a Clerk / Time Keeper of Time Office, states that even fitment of salary is done. In short, Mr. Lokhande submits that the impugned order is complied. Mr. Patel does not dispute payment of arrears. He further submits that the liberty may be reserved to the Union or individual workman, if they are aggrieved by the fitment to adopt appropriate legal remedy.

4. In view thereof, nothing survives in this Petition as the petitioner has paid arrears as is evident from communication dated 08.11.2014. As far as fitment is concerned, subject to reserving liberty to the Union and / or individual workman to adopt appropriate proceedings, nothing is required to be done in this Petition as the impugned order is complied. Order accordingly. Petition is disposed of as such.

5. Office to issue authenticated copy of this order.

(R. G. KETKAR, J.)