

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

WRIT PETITION NO. 4060 OF 1999

The Indian Card Clothing Co. Ltd.,
Pimpri, Pune – 411 018.

... Petitioner

v/s

1. Mr.V.M. Naik,
Sushma Housing Society No.2,
'A' Block, Room No.3, Behind Kirti Hospital,
Pimprigaon, Pune – 411 017.

2. Shri K.V. Daniel,
Plot No.149/11, Chandrakiran Co-op.
Housing society,
Pimpri, Pune – 411 017.

3. Shri Dnyanu Mahadu Lokhande,
At – Chikhli, Tal. Haveli, Dist. Pune.

4. Shri S.G. Kadam,
Member, Industrial Court, Pune.

... Respondents

Mr.K.P. Anilkumar for the Petitioner.

None present for the Respondents.

CORAM: N.M. JAMDAR, J.

DATED : 20TH AUGUST, 2015

ORAL JUDGMENT:

By this petition, the Petitioner challenges the order passed by

the Industrial Court, Pune, dated 1 April 1999 allowing Complaint (UL) No.437 of 1995 filed by the Respondent Nos.1, 2 and 3 in the Industrial Court, Pune, under Section 28(1) read with Items 5 and 9 of Schedule IV of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971 (the MRTU & PULP Act).

2. According to the Respondents, Clause 1.1 of Chapter 2 of the settlement dated 27 September 1999 which sought to discriminate between the employees, was illegal and these Respondents were also entitled to the benefits of the settlement. The case of the Respondents has been accepted by the learned Industrial Court in the impugned order.

3. The present petition was admitted on 26 July 1999 and interim relief was granted subject to deposit of the amount by the Petitioner. Learned counsel for the Petitioner submits that the amount has been deposited.

4. The learned Industrial Court has granted the benefit of the settlement clause 1.1 to Respondent Nos.1 and 2 alone and not to Respondent No.3, against which it appears that Respondent No.3 has not filed any writ petition. Therefore, the question now remains of the entitlement of Respondent Nos.1 and 2. Learned counsel for the Petitioner states that though the Petitioner does not accept the finding that the clause 1.1 of memorandum of

settlement is illegal and creates discrimination, but considering the fact that the Respondent Nos.1 and 2 have long since retired and the amount deposited is in Rs.26,620/- to Rs.31,340/- in respect of their claim, Petitioner is not desirous of pressing the challenge to the impugned order, if the issue is left open. This stand of the Petitioner is accepted. The challenge of the Petitioner on merits as regards the interpretation is left open in case some other claim under the scheme arises.

5 It will be open to Respondent Nos.1 and 2 to approach the Petitioner for collection of their dues mentioned above and having so collected the dues, the Petitioner will be entitled to withdraw the amount deposited in this Court. Since none appears on behalf of the Respondents, the Petitioner will inform Respondent Nos.1 and 2 of the order passed and call upon them to collect the amount from the Petitioner within a period of four weeks therefrom. In case Respondent Nos.1 and 2 do not respond to the communication of the Petitioner even after being duly served, it will be open to the Petitioner to make an appropriate application for withdrawal of the amount deposited in this Court.

6 Writ petition is disposed in the above terms. Rule discharged.

(N. M. JAMDAR, J.)