

JPP

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

***CIVIL APPLICATION NO. 2075 OF 2011
IN
CIVIL WRIT PETITION NO. 4843 OF 2000***

Rama Petrochemicals Ltd. ... Applicant.

V/s.

Rama Petrochemicals Ltd.
Employees Union and Ors. ... Respondents.

Mr. K.P. Anilkumar for the Applicant.
Mr. Sachin Pawar for Respondents 1 to 7.

CORAM : N.M. JAMDAR, J.

DATE : 24 AUGUST, 2015.

P.C. :-

This Civil Application is placed for orders, however in view of the nature of the order challenged in the main Writ Petition, at the request of the Petitioner, both the Writ Petition and Civil Application are taken up for disposal.

2. Writ Petition No. 4843 of 2000 is filed by the Petitioner challenging the interim order passed by the Industrial Court, Thane in Complaint (ULP) No. 84 of 2000. The complaint was

filed by the Employees Union and Staff Association of the Workers working in the Petitioner – Company, under Item 9 Schedule 1 of MRTU & PULP Act. In this complaint an application for interim relief was taken up. By way of interim relief, the Union and the Association, sought directions for payment of 75% of bonus and of Rs.19,000/- ex-gratia payable to the employees for the year 1998-1999. The Industrial Court by order dated 14 August 2000, allowed the application for interim relief and directed the Petitioner to pay bonus at the rate of 8.33% on the average wages or Rs.2,500/-, within one month.

3. The Petitioner challenged this order by way of Writ Petition No. 4843 of 2000. At the time of admission of the Petition, the Petitioner was directed to deposit 50% of the amount payable under the impugned order as a condition precedent for grant of interim relief.

4. Civil Application No. 2075 of 2011 is taken out by the Applicant – Original Petitioner praying that the amount of Rs.1,80,000/- deposited by the Applicant – Original Petitioner in the Industrial Court pursuant to the order dated 13 September 2000 passed by this Court be returned to the Petitioner. The Applicant has averred that 172 employees were covered by the order of the Industrial Court, out of which total 139 have received their cheque. It is stated that the Petitioner has done all possible efforts to contact the remaining workmen. The Petitioner is

willing to give the benefit to all those workmen, however, the matter is not proceeding further since most of the workers have not come forward, Mr. Anilkumar, the learned Counsel for the Petitioner states that the main complaint filed by the Union and the Association has been finally disposed of on 8 October 2008 after filing of the Writ Petition and the workmen have been held to be entitled to statutory bonus of Rs.2,500/-. It is informed that this order has not been challenged either by workmen or by the Petitioner.

5. Mr. Anilkumar points out that the Civil Application has been dismissed as against Respondent Nos.1 and 2 as since the the Petitioner – Company is closed, the Union and Association is no longer in existence and could not be served. However, this Court by way of orders dated 30 January 2015, 27 February 2015 and 13 March 2015 has permitted some of the employees to file their Vakalatnama. Therefore, the Civil Application is pending.

6. As it is submitted by Mr. Anilkumar that the Petitioner is willing to give effect to the final order dated 8 October 2008 passed by the Industrial Court in the Complaint and that the Petition pending in this Court arise from interim order of the Industrial Court and that the main complaint is disposed off, it is not necessary to keep either the Petition or Application pending in this Court. The amount is deposited in the Industrial Court. The relief which the Applicant seeks in this Application can be

sought by the Applicant by making a proper application in the Industrial Court. The Industrial Court upon such application being filed by the Applicant will adopt such appropriate methodology for disbursal of the balance amount and suitable directions in regard to bank guarantee and receive claims of the remaining workmen and for that purpose issue an advertisements, notices, etc. as the Industrial Court finds appropriate.

7. Accordingly, Civil Application No. 2075 of 2011 is disposed off with liberty to the Applicant to move the Industrial Court for the relief. The Writ Petition No. 4843 of 2000 is dismissed as it has become infructuous. No costs.

(N.M. JAMDAR, J.)