

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

CRIMINAL WRIT PETITION NO. 4418 OF 2015

Shivasagar Kamgar Sahakari
Patpedhi Maryadit & Ors.

... Petitioners

V/s.

Maharashtra Rajya Co.Op. Credit
Society Employees Union & Ors.

... Respondents

Mr. Arvind Jalisatgi a/w. Mr. N.N. Kankonkar a/w. Mr.
Nagendra S. Dube i/b. C.M. Lokeshappa for the Petitioners.
Mr. G.R. Nair for the Respondents.
Mr. S.V. Gajare, A.P.P. for the State.

CORAM : A. V. NIRGUDE, J.

DATE : 19th NOVEMBER, 2015.

P.C. :

The Petitioners are employers who initiated domestic investigation against their employees after suspending them. During their suspension, the employees were entitled to certain subsistence allowance. Initially, the dispute between the parties was, how much subsistence allowance was required to be paid. The petitioners challenged the order by filing Writ Petition No.5198 of 2014.

2 The first order was passed on 08.04.2014. The Industrial Court directed petitioner-employers to pay certain percentage of subsistence allowance to the employees. The employees on 14.05.2014 lodged a complaint with Labour Court under Section 48(1) of the M.R.T.U. And P.U.L.P. Act. The Labour Court issued process against the petitioner-employers. Immediately thereafter, on 07.07.2014, this Court decided the Writ Petition No.5198 of 2014 and made certain changes in the order passed by the Industrial Court in respect of payment of subsistence allowance. According to the petitioner-employers, the order passed by the High Court in Writ Petition No.5198 of 2014, reduced their liability, etc.. This order apparently changed the liability of the employers. Such change should have been informed to the Labour Court in Misc. Criminal complaint (ULP) No.21 of 2014, in which initially allegation was made that the employers committed breach of the order passed against them by the Industrial Court. The complainant ought to have amended the complaint and consider whether they would still be able to continue with the complaint.

 In view of the above, the impugned order is set aside. The respondent-complainant is given liberty to amend the complaint or file a fresh complaint alleging that the petitioner-employers had still not complied with the order

passed by the High Court in Writ Petition No.5198 of 2014.
The petition accordingly stands disposed of.

(A.V.NIRGUDE, J.)