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WP-1524-2007
(sr. no.233)
Friday, 27 March, 2015

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 1524 OF 2007

Shantaram Hari Salvi

....Petitioner

V/S.

Premier Ltd.

[formerly called 'The Premier Automobiles Ltd']

now having its registered office at,

58, Nariman Bhavan, 5th Floor,

Nariman Point, Mumbai-400 021

.....Respondent

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Mr. Rajesh Gehani a/w. Mr. Vikas Khanchandani, Advocate for the petitioner.

Mr. Santosh Shetty, Advocate for the respondent.

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Coram :- Smt. R.P. SondurBaldota, J.

27th March, 2015.

P.C. :-

1). This petition by the workmen is to challenge the order dated 30th October, 2006 by which the Labour Court dismissed his application filed under Section 33-C(2) of the Industrial Disputes, Act being Application (IDA) No. 54 of 2004.

2). The respondent was employed with Walchandnagar Industries Ltd. The Pune undertaking of that Company was called Machine Tools Division (MTD). As per the MOU between

Walchandnagar Industries Ltd and the respondent, Machine Tools Division (MTD) became a division of the respondent. Petitioner continued to work at Ballard Estate, Mumbai as an employee of MTD. After the MOU, the Chairman of the respondent on 28th August, 1988 notified that all the persons working in Ballard Estate, will be governed by the Rules and Regulations and service conditions of MTD with suitable revision. The petitioner, however, was not given the benefits and the salaries on the basis of the MOU and settlements as per the Memo. According to the petitioner, the monetary benefits receivable by him for the period 1st January, 1988 to 31st March, 1997 were of Rs.1,63,787.47/- out of which he was paid only a sum of Rs.1,00,000/- leaving a balance of Rs.63,787.47/-. When despite personal demands made from time to time, the respondents failed to make the payment, the petitioner sent his demand letter dated 3rd December, 2003 and thereafter filed application under Section 33-C(2) of the Industrial Disputes Act, being Application (IDA) No. 54 of 2004 on 13th February, 2004.

3). Dismissal of the application was on the ground that, respondent no.1 employer had disputed the petitioner's right to claim the money benefits as per the settlement relied on by the petitioner. In view of the dispute, it was necessary for the petitioner to get the same adjudicated.

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Without adjudication of the liability of the respondent, there could be no application under Section 33(c)(2) of the Industrial Disputes Act. There is no infirmity whatsoever with this finding of the Labour Court. The petition is dismissed.

(SMT. R.P. SONDURBALDOTA, J)