

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 240 OF 2008

(M/s. Vidarbha Bidi Ltd., Lakhani, Distt. Bhandara through its Asstt. Branch Manager Shri S. B. Bhaire Vs. Smt. Jaya W/o Rajaram Bansod and ors.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

CORAM : Z.A.HAQ, J.

DATED : MARCH 24, 2015.

Heard Mr. V.P.Marpakwar, learned advocate for the petitioner and Mr. S.G.Nigot, learned advocate for the respondent Nos. 1 to 3.

Shri Gautam Punjaji Ahire, Director of M/s. Vidarbha Bidi Limited (petitioner) is present and is identified by Mr. V.P. Marpakwar, advocate. Smt. Jaya W/o Rajaram Bansod and Smt. Ranjana W/o Waman Rangari, Members of the respondent No. 3, Union are present and identified by Mr. S.G. Nigot, advocate.

The parties have filed pursis dated 24th March, 2015 signed on behalf of the petitioners and the respondent No. 3 and by the respective advocates, stating that the matter has been amicably settled and requesting that the writ petition be disposed of in terms of the settlement. It is submitted that Writ Petition Nos. 4571 of 2012, 5458 of 2013 and 5449 of 2013 are also disposed of by this Court yesterday i.e. on 23rd March, 2015 accepting the terms of compromise.

For the above reasons, this writ petition is also disposed of in terms of the settlement as stated in the

compromise pursis, which are as follows :

“1. National Withdrawal of Complaints filed the Union against the management (Special Allowance Matter and lockout matter) and filed by the individuals. The cases filed by the union on behalf of the employees and individual employees are as under :

i. Complaint (ULPA) No. 12/2008 (Maharashtra Rajya General Bidi Kamgar Union -Vrs – Vidarbha Bidi) before the Hon'ble Industrial Court, Bhandara.

ii. Case No. (MWA) 1/2005 (Maharashtra Rajya General Bidi Kamgar Union – Vrs – Vidarbha Bidi) before the Hon'ble Industrial Court, Bhandara.

iii. Complaint (ULPA) No. 70/2013 (Maharashtra Rajya General Bidi Kamgar Union – Vrs – Vidarbha Bidi) before the Hon'ble Industrial Court, Bhandara.

iv. Case No. 1/2004 (Rama Bansod – Vrs – Vidarbha Bidi) before the learned Assistant Commissioner of Labour/ Authority under the Beedi Act.

v. Case No.2/2004 (Pratima Koche – Vrs – Vidarbha Bidi) before the learned Assistant Commissioner of Labour/ Authority under the Beedi Act.

2. The above complaints are deemed to be withdrawn by the union, its members and other employees and all the orders passed in the above matters shall not be executed as the workmen concerned in the above cases shall not claim any benefits flowing from the said orders. The orders are hereby deemed to be quashed and set aside.

3. In view of the withdrawal of the complaints notionally filed by the union, the Writ Petition filed by the management against the Union/ concerned employee in respect of lockout and special allowance are hereby withdrawn.

Writ Petitions filed by the management are as under :

i. Writ Petition No. 4571/2012 (Vidarbha Bidi

- Vrs – Maharashtra Rajya General Bidi Kamgar Union and another)
- ii. Writ Petition No. 240/2008 (Vidarbha Bidi – Vrs – Maharashtra Rajya General Bidi Kamgar Union and another)
- iii. Writ Petition No. 5458/2013 (Vidarbha Bidi – Vrs – Rama Bansod)
- iv. Writ Petition No. 5459/2013 (Vidarbha Bidi – Vrs – Pratima Koche)

4. Withdrawal of complaint case notionally by Smt. Rama Bansod and Smt. Pratima Koche, bearing case no. Case No.1/2004 (Rama Bansod – Vrs – Vidarbha Bidi) and Case No. 2/2004 (Pratima Koche – Vrs – Vidarbha Bidi) before the Assistant Commissioner of Labour/ Authority under the Bidi and Cigar (Conditions of Service) Act, 1966. The management has filed Writ Petitions challenging the final order dated 01.06.2013 passed by the authority, by filing Writ Petitions No. 5458/2013 (Vidarbha Bidi – Vrs – Rama Bansod) and Writ Petition No. 5459/2013 (Vidarbha Bidi – Vrs – Pratima Koche). In view of the notional withdrawal of the complaint, the Writ Petitions will be withdrawn by the management. That, in lieu of backwages, the management agrees to pay Rs.35,000/- to Rama Bansod and Rs.35,000/- to Pratima Koche in addition to provident fund, gratuity and retrenchment compensation.”

The writ petition is disposed of in the above terms. In the circumstances, the parties to bear their own costs.

JUDGE