

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.4286 OF 1995

Jyoti Power-loom Cooperative Society Latur,
Through its Liquidator Shri K.D.More -- PETITIONER

VERSUS

1. Digambar Narsing Tonpe,
Age-50 years, Occu-Service,
R/o Latur,
2. The Assistant Registrar (C.S.)
Latur, Dist.Latur -- RESPONDENTS

WITH
WRIT PETITION NO.4676 OF 1995

Powerloom Industrial Cooperative
Society Ltd., Latur,
Dist.Latur,
Through its Liquidator Shri K.D.More -- PETITIONER

VERSUS

1. Mrs.Sushila Basappa Achare,
Age-38 years, Occu-Service,
R/o Latur,
2. General Manager/Director
(Powerloom) Marathwada Development
Corporation, Aurangabad,
3. Managing Director,
Marathwada Textile Corporation,
Dhanegaon, Nanded
4. The Assistant Registrar (C.S.)
Latur, Dist.Latur -- RESPONDENTS

WITH
WRIT PETITION 4678 OF 1995

Powerloom Industrial Cooperative
Society Ltd., Latur,
Dist.Latur,
Through its Liquidator Shri K.D.More -- PETITIONER

VERSUS

1. Kakasaheb Janardhan Parame,
Age-42 years, Occu-Service,
R/o Latur,
2. General Manager/Director
(Powerloom) Marathwada Development
Corporation, Aurangabad,
3. Managing Director,
Marathwada Textile Corporation,
Dhanegaon, Nanded
4. The Assistant Registrar (C.S.)
Latur, Dist.Latur -- RESPONDENTS

WITH
WRIT PETITION 4681 OF 1995

Powerloom Industrial Cooperative
Society Ltd., Latur,
Dist.Latur,
Through its Liquidator Shri K.D.More -- PETITIONER

VERSUS

1. Sitaram Madhavrao Bolegave,
Age-45 years, Occu-Service,
R/o Motinagar, Latur,
2. General Manager/Director
(Powerloom) Marathwada Development
Corporation, Aurangabad,

3. Managing Director,
Marathwada Textile Corporation,
Dhanegaon, Nanded
4. The Assistant Registrar (C.S.)
Latur, Dist.Latur -- RESPONDENTS

WITH
WRIT PETITION 4691 OF 1995

Powerloom Industrial Cooperative
Society Ltd., Latur,
Dist.Latur,
Through its Liquidator Shri K.D.More -- PETITIONER

VERSUS

1. Sudhakar S/o Narhar Renapurkar,
Age-40 years, Occu-Service,
R/o Bodhenagar, Latur
2. General Manager/Director
(Powerloom) Marathwada Development
Corporation, Aurangabad,
3. Managing Director,
Marathwada Textile Corporation,
Dhanegaon, Nanded
4. The Assistant Registrar (C.S.)
Latur, Dist.Latur -- RESPONDENTS

WITH
WRIT PETITION 4692 OF 1995

Powerloom Industrial Cooperative
Society Ltd., Latur,
Dist.Latur,
Through its Liquidator Shri K.D.More -- PETITIONER

VERSUS

1. Raosaheb S/o Dattopant Jeverikar,

Age-41 years, Occu-Service,
R/o Bodhenagar, Latur.

2. General Manager/Director
(Powerloom) Marathwada Development
Corporation, Aurangabad,
3. Managing Director,
Marathwada Textile Corporation,
Dhanegaon, Nanded
4. The Assistant Registrar (C.S.)
Latur, Dist.Latur

-- RESPONDENTS

WITH
WRIT PETITION 4683 OF 1995

Powerloom Industrial Cooperative
Society Ltd., Latur, Dist.Latur,
Through its Liquidator Shri K.D.More

-- PETITIONER

VERSUS

1. Dinkar S/o Keshavrao Joshi,
Age-Major, Occu-Service,
R/o Borfal, Tq. Ausa, Dist.Latur
2. General Manager/Director
(Powerloom) Marathwada Development
Corporation, Aurangabad,
3. Managing Director,
Marathwada Textile Corporation,
Dhanegaon, Nanded

-- RESPONDENTS

Mr.B.N.Patil, Advocate for the petitioner.

Mr.P.G.Borade, AGP for the respondent/State.

Ms.Ashvini Mate h/f Mr.A.H.Kasliwal, Advocate for respondent Nos. 1
and 2.

Mr.R.D.Bhise h/f Mr.S.V.Natu, Advocate for respondent No.3 (in WP
No.4676/1995)

Mr.B.R.Sontakke Patil, Advocate for respondent No.1 (In WP
No.4692/1995)

(CORAM : RAVINDRA V. GHUGE, J.)

DATE : 11/08/2016

ORAL JUDGMENT :

1. I have heard Mr.Patil, learned Advocate for the petitioner/Society in all these matters and the learned Advocates on behalf of the respondents for quite some time. These petitions are admitted by this Court on 01/07/1998,

2. This Court, by its judgment dated 18/07/2016, in identical set of facts involving the same petitioner/Co-operative Society and identically placed workmen in WP Nos.4325/1995 to 4327/1995, 4677/1995, 4679/1995, 4680/1995 and 4682/1995, has considered the issue raised by the petitioner and has dismissed all the said petitions.

3. This Court, in its judgment dated 18/07/2016, has observed in paragraph Nos.1 to 9 as under :-

“1. The petitioner in all these matters are aggrieved by the judgments dated 12/12/1994 and 05/10/1994 delivered by the Labour Court, Latur in a group of Application (IDA) Nos.157/1993, 158/1993, 159/1993, 106/1992, 101/1992, 99/1992, 227/1993 respectively.

2. I have heard the learned Advocates for the respective sides for quite some time.

3. Mr.Patil, learned Advocate for the petitioners has strenuously criticized the impugned judgments. Contention is that issue No.1 framed by the Labour Court has not been properly considered and the impugned orders reflect non application of mind. He, therefore, submits that though the service tenure of the respondents employees and their claims for special allowance may not be disputed, the fact remains that since the petitioner/society was in liquidation, no proceedings before any Court could be entertained in lieu of the bar u/s 107 of the Maharashtra Co-operative Societies Act, 1960.

4. Learned Advocate Mr.Venjane has supported the impugned orders.

5. I have considered the submissions of the learned Advocates.

6. This Court has, in the matter of Baburao Dadarao Kolhe and others Vs. State of Maharashtra and others, 2004(2) Mh.L.J. 898, dealt with a similar issue considering the claim of the workers for the unpaid wages during the pendency of liquidation proceedings. The learned Division Bench concluded that as the claim of the workers was not in relation to the business of the society and was purely a claim of wages, it was not necessary to

array the liquidator or seek permission of the liquidator. Even if, such permission was sought, it should be granted.

7. In the light of the above and considering the passage of 21 years, I do not find any reason to cause interference with the impugned judgments.

8. These petitions, being devoid of merit, are therefore dismissed. Rule is discharged.

9. Civil applications, if any, do not survive and hence are disposed of.”

4. Considering the submissions of the learned Advocate for the petitioner, I do not find that different circumstances have been indicated so as to convince this Court to take a different view.

5. As such, these petitions, being devoid of merit, are therefore dismissed. Rule is discharged.

6. Civil applications, if any, do not survive and hence are disposed of.

7. Mr.Sontakke, learned Advocate points out that this Court had

directed on 28/02/2000 in CA No.5211/1999 that if the property is sold by the Liquidator, he shall deposit all the sale proceeds in this Court. The Registry of this Court informs that no amount has been deposited by the Liquidator in this Court. As such, the respondents would be at liberty to take appropriate steps for the recovery of their amounts granted by the Court below.

(RAVINDRA V. GHUGE, J.)