

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 2098 OF 1999

The Indian Seamless Metal
Tubes Limited, (Tube Works),
C-1, MIDC Industrial Estate,
Ahmednagar.

...PETITIONER

-VERSUS-

- 1 Ashok Sakharam Jarhad,
Age : 35 years, Occupation : Service,
R/o Dongargan, Post Jeur,
District Ahmednagar.
- 2 Lahu Bandu Dawane,
Age : 35 years, Occupation : Service,
R/o Dongargan, Post Jeur,
District Ahmednagar.
- 3 Ashok Dashrath Gerange,
Age : 35 years, Occupation : Service,
R/o Dongargan, Post Jeur,
District Ahmednagar.
- 4 Namdeo Maruti Mate,
Age : 32 years, Occupation : Service,
R/o Dongargan, Post Jeur,
District Ahmednagar.
- 5 Jagannath Gangadhar Mate,
Age : 34 years, Occupation : Service,
R/o Dongargan, Post Jeur,
District Ahmednagar.
- 6 Maruti Shivmurthi Khetri,
Age : 32 years, Occupation : Service,
R/o Dongargan, Post Jeur,
District Ahmednagar.

- 7 Babasaheb Ramrao Virkar,
Age : 35 years, Occupation : Service,
R/o Dongargan, Post Jeur,
District Ahmednagar.
- 8 Dagadu Muktaji Virkar,
Age : 33 years, Occupation : Service,
R/o Dongargan, Post Jeur,
District Ahmednagar.
- 9 Balu Bapurao Khandagale,
Age : 32 years, Occupation : Service,
R/o Dongargan, Post Jeur,
District Ahmednagar.
- 10 Sampat Rambhau Karande,
Age : 33 years, Occupation : Service,
R/o Dongargan, Post Jeur,
District Ahmednagar.
- 11 Bhausahab Balkrishna Mate,
Age : 32 years, Occupation : Service,
R/o Dongargan, Post Jeur,
District Ahmednagar.
- 12 Ramdas Gopinath Zine,
Age : 30 years, Occupation : Service,
R/o Dongargan, Post Jeur,
District Ahmednagar.
- 13 Bhausahab Tukaram Bhutkar,
Age : 33 years, Occupation : Service,
R/o Dongargan, Post Jeur,
District Ahmednagar.
- 14 Mohinder Singh Sodhi,
C/o Sodhi Fabricators &
Erectors,
L-28, MIDC Area,
Ahmednagar.
- 15 The Hon'ble Industrial Court,

at Ahmednagar.

...RESPONDENTS

(Respondent Nos.2, 4, 10, 11 and 13 are deleted as per Court's order dated 29.09.2006 passed in Civil Application No.8072/2006.)

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Advocate for Petitioner : Shri V N Upadhye.
Advocate for Respondents : Shri Parag V. Barde.

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 22nd December, 2016

Oral Judgment :

1 Respondent No.15 is a formal party, hence, deleted.

2 This matter was heard at length on 16.12.2016. An affidavit in reply filed on 14.06.1999 by the Respondents indicates in paragraph 1 that four persons, namely, Jagannath Gangadhar Mate, Maruti Shivmurthi Khetri, Balu Bapurao Khandagale and Ramdas Gopinath Zine are those who have been discontinued and rest of the Respondents have been continued. It is, therefore, indicated that the dispute would be limited to the extent of these four persons.

3 After considering the entire submissions of the learned Advocates and considering the passage of time spent by the above mentioned four persons in unemployment, it was brought to my notice

that in 2006 some of such workers were offered Rs.75,000/- as a lump-sum amount with regular work. These four persons were not offered the work and therefore, they declined to accept the said compensation.

4 Considering the above and the passage of time, I called upon the parties to assess whether, this matter can be resolved by payment of compensation. Shri Barde, learned Advocate appearing on behalf of the four persons named above, submits that they are willing to accept the compensation of Rs.2 lac each. Shri Upadhye, learned Advocate for the Management, initially offered Rs.75,000/- and then offered Rs.1 lac.

5 Finally, on instructions and without laying down any precedent, it was agreed that an amount of Rs.1,40,000/- (Rupees One Lac Forty Thousand) could be paid to each of the above mentioned four persons and this petition can be disposed of. They would not be entitled to raise any claim against the Petitioner/ Management in any manner whatsoever before any court or authority or forum.

6 Considering the consensus, the Petitioner/ Management shall pay an amount of Rs.1,40,000/- (Rupees One Lac Forty Thousand) to each of these four persons mentioned above within a period of TWELVE WEEKS from today. These four persons shall, therefore, not be entitled to raise any

further claim against the Petitioner arising out of their employment and non employment, before any authority, court or forum.

7 This Writ Petition is, therefore, partly allowed in the terms of the quantified compensation as above. Rule is made partly absolute accordingly.

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(RAVINDRA V. GHUGE, J.)