

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

WRIT PETITION NO. 8775 OF 2015

**RAJENDRA MURLIDHAR RASHINKAR AND OTHERS
VERSUS
BHINGAR VINKAR SAHAKARI YANTRA MAG VASTRA UTPADAK
SANSTHA MARYADIT, AHMEDNAGAR AN**

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Advocate for Petitioners : Shri Barde Parag Vijay.
Advocate for Respondent 1 : Shri Yogesh Kale h/f Shri R.R.Karpe.
AGP for Respondent 2 : Shri P.N.Kutti.

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 25th October, 2016

Per Court:

1 After hearing the learned Advocates for the respective sides
extensively on 27.09.2016, I had passed the following order:-

- "1. *This matter has been heard extensively. The judgment of the Industrial Court dated 20.3.2010 by which Complaint (ULP) No. 223 of 2000 was partly allowed, in my view does not locate the exact date of closure of the respondent establishment under Section 25FFF of the Industrial Disputes Act, 1947. Nevertheless, Shri Barde, learned Advocate submits that if the matter can be settled between the parties, he may concede to the imaginary date of closure as being April 2000.*
2. *In the light of the submissions of the learned Advocates, I have gone through the impugned judgment of the Labour Court dated 16.7.2014. I do not find that the Labour Court has properly calculated the difference in payment of wages keeping in view the Minimum Wages Act, though the date of closure could*

be presumed to be April 2000. The interest component for about 15 years from April 2000 has also not been calculated. I am, therefore, of the view that the impugned judgment deserves to be quashed and set aside by directing the Labour Court to reconsider the claim of the petitioners to the extent of difference in wages, penalty and interest.

3. *At these juncture, learned Advocates for the litigating sides submit that since they desire to bring the litigation to an end, they would assess the situation and would make an attempt for settling the matter amicably.*
4. *S.O. to 17.10.2016 for passing orders.*
5. *Needless to state, if the matter is settled between the parties, the terms of settlement would be taken on record. If it is not settled, this Court will proceed to pass orders for dismissal of the matter and remitting the claim of the petitioners to the Labour Court for a fresh adjudication on such terms which would be set out."*

2 Today, the learned Advocates for the respective sides submit, on instructions, that the litigating sides have been unable to settle the matter.

3 In the light of the above and considering the observations set out in the order dated 27.09.2016 reproduced above, the impugned judgment and order dated 16.07.2014 delivered by the Labour Court, Ahmednagar is quashed and set aside. Application (IDA) No.24/2010 is remitted to the Labour Court at Ahmednagar on the following conditions:-

- (a) The litigating sides shall appear before the Labour Court on

28.11.2016. Formal notices need not be issued by the Labour Court.

- (b) The original Applicants and the Respondents are at liberty to lead additional oral and documentary evidence.
- (c) Needless to state, the oral and documentary evidence recorded earlier need not be discarded and the same shall be considered along with fresh evidence that may be adduced by the litigating sides.
- (d) The litigating sides shall extend cooperation to the Labour Court for expeditious disposal of the application.

4 This Writ Petition is, accordingly, disposed of.

kps

(RAVINDRA V. GHUGE, J.)