

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CONTEMPT PETITION NO. 329 OF 2016
IN WP/3897/2016 WITH

CP/330/2016 IN WP/3882/2016, CP/331/2016 IN WP/3873/2016,
CP/332/2016 IN WP/3876/2016, CP/333/2016 IN WP/3856/2016,
CP/334/2016 IN WP/3871/2016, CP/335/2016 IN WP/3881/2016,
CP/336/2016 IN WP/3879/2016, CP/337/2016 IN WP/3857/2016,
CP/338/2016 IN WP/3880/2016, CP/339/2016 IN WP/3874/2016,
CP/340/2016 IN WP/3875/2016, CP/341/2016 IN WP/3872/2016,
CP/342/2016 IN WP/3877/2016.

SHIVKUMAR VYANKATRAO BIRAJDAR
VERSUS
BHAGWAN MAROTIRAO PATIL AND ANOTHER

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Advocate for Petitioner : Shri Kudale Dhanaji S
Advocate for Respondent 1 : Shri Deshmukh Mahesh S.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: August 22, 2016
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PER COURT :-

1. I have heard the learned Advocate for the petitioners Shri Kudale and Shri Deshmukh, learned Advocate for the respondents in all these matters.
2. By the judgment of this Court dated 5.4.2016 in Writ Petition No.3897 of 2016 and connected Writ Petitions, considering that an ex-parte ad-interim order dated 1.2.2016, passed by the Industrial Court, Latur was at issue, the respondents were permitted to seek a hearing on application Exhibit U/2 pending before the Court or file a Review Application under the proviso to Section 30(2) of the the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971.
3. Shri Deshmukh submits on instructions that all these petitioners, except Shivkumar Venkatrao Birajdar had reported on duties and were given work as per the practice existing at the time

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2

CONTEMPT PETITION NO. 329 OF 2016 & OTHERS

they preferred their Complaints. Shri Birajdar had reported for duties on 20.8.2016.

4. Shri Deshmukh tenders a copy of the order dated 19.8.2016, passed by the Industrial Court, Solapur below application Exhibit C-8, which were the Review Applications filed by the respondents before the Industrial Court. Same is marked as Exhibit "X" for identification. Shri Deshmukh, therefore, submits that the ex-parte ad-interim orders dated 1.2.2016 passed by the Industrial Court in all the complaints have been vacated and application Exhibit U-2 filed by the petitioners have been rejected.

5. Learned Advocate for the petitioner submits that the respondents will have to pay wages to the petitioners for the period during which they have worked and the issue of wages from 1.2.2016 till the dates of joining of the petitioners be kept open since the Industrial Court would now deal with the main complaints on their own merits.

6. Considering the above, all these contempt petitions are disposed off, since the order at issue has been vacated by the Industrial Court.

7. Nevertheless, the issue of unpaid wages from the date of the ex-parte ad-interim order till the date when the petitioner reported for duties would be subject to the result of the pending complaints and the Industrial Court shall consider the said aspect in the event the original complainants succeed in their complaints.

(RAVINDRA V. GHUGE, J.)

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