

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.6256 OF 2016

Marathwada Pathbandhare and
Yantriki Kamgar Sanghatana Reg.No.1120
Through Sarchitnis Jagannath S/o Ramrao Potdar,
Age-68 years, Occu-Social Service,
R/o Godawari Niwas, In front of Sootmil,
Latur, Dist.Latur

-- PETITIONER

VERSUS

1. The State of Maharashtra
(Through Chief Secretary, Irrigation
Department, Mantralaya, Mumbai-32)
2. The Chief Engineer (P),
Patbandhare Vibhag,
Sinchan Bhawan, Aurangabad,
3. The Executive Engineer,
Medium Project Division,
Patbandhare Wasahat,
Old Ausa Road, Latur, Dist.Latur,
4. The Executive Engineer,
Minod Irrigation Division,
Laghu Patbandhare Vibhag,
Old Ausa Road, Latur

-- RESPONDENTS

Mr.A.M.Nagarkar h/f Mr.K.M.Nagarkar, Advocate for the petitioner.
Mr.N.T.Bhagat, AGP for respondent Nos. 1 to 4.

(CORAM : RAVINDRA V. GHUGE, J.)

DATE : 02/12/2016

ORAL JUDGMENT :

1. Rule. Rule made returnable forthwith and heard finally by the

consent of the parties.

2. The petitioner/Union claims to be aggrieved by the judgment dated 31/12/2015 delivered by the Labour Court vide which Appl. (IDA) No.20/2001 has been dismissed for being untenable in law.

3. I have heard the strenuous submissions of Mr.Nagarkar, learned Advocate on behalf of the petitioner and the learned AGP on behalf of the respondents.

4. There is no dispute that the petitioner is not a recognized Union under the MRTU and PULP Act, 1971 in relation to respondent No.3 and 4/Authorities. It is equally undisputed and as has been admitted by the petitioner's witness that purported 1600 members working in these Departments have not given any authorization to the petitioner/Union to lodge a claim u/s 33(C)(2), as has been specifically provided for under the said section.

5. The Labour Court has dismissed the application for the reason that the applicant/Union was not authorized to represent 1600 workmen, in as much as, the issue before the Labour Court was as to whether the GR dated 20/11/1999 would be applicable to the said

employees thereby entitling them to claim an amount of Rs.1,01,94,398/- as earthquake allowance from the petitioner/ Establishment.

6. It is trite law that disputed questions as to whether the employees are entitled or not cannot be gone into u/s 33(C)(2). So also, without placing any evidence on record indicating that 600 workmen had empowered the petitioner to stake a claim for an amount of almost Rs.1,02,00,000/-, would render the claim untenable. The Labour Court, in my view, has rightly dismissed the application.

7. This petition being devoid of merit, is therefore, dismissed. Rule is discharged.

8. Learned Advocate for the petitioner submits that the respondents/Authorities are presently dealing with a proposal to grant earthquake allowance to the employees working in the Irrigation Department. The said proposal is pending vide letter dated 04/05/2001. It is submitted that the Government may be directed to decide the said proposal.

9. As such, in the event any such proposal is pending pursuant to the letter dated 04/05/2001, the respondents/authorities shall proceed to decide the said proposal strictly in accordance with its policies and the law applicable and preferably within a period of 6 months from today, if not already decided.

(RAVINDRA V. GHUGE, J.)