

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

CIVIL APPLICATION NO. 10688 OF 2015
IN WP/6222/2007

SAHEBLAL BABULAL SYED
VERSUS
THE PRESIDENT TADVI BHILL ADIVASI SAMAJ VIKAS KALYAN MANDAL
AND OTHERS.

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Advocate for Applicant : Shri Ambetkar Arvind G.
Advocate for Respondents 1 and 2 : Shri A.S.Barlota.
AGP for Respondents 3 and 4 : Shri S.W.Munde.

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 12th August, 2016

Per Court:

1 The Applicant prays that in view of the orders as have been identically passed by this Court on 10.06.2011 in Civil Application No.3714/2011 in Writ Petition No.6228/2007 (*Prakash Pandurang Kharat vs. The President, Tadvi bhilla Adivasi Samaj Vikas Kalyan Mandal*) and in Civil Application No.3715/2011 in Writ Petition No.6226/2007 (*Suresh Haribhau Salve vs.The President, Tadvi bhilla Adivasi Samaj Vikas Kalyan Mandal*), this Court may pass a similar order directing the Management to deposit the unpaid wages as per the judgment of the Additional Commissioner, Tribal Development Department, impugned in this Writ Petition.

2 Shri Barlota, learned Advocate for Respondent Nos.1 and 2, has strenuously opposed this application. The contention is that this application has been filed belatedly. This Court has passed common order on 29.01.2009 in Writ Petition Nos.6222, 6226 and 6228 of 2007 refusing any relief to the Petitioners. All these petitions have been admitted.

3 He further submits that though other Applicants approached this Court in promptitude, the present Applicant was sleeping over the matter. As those Applicants in Civil Application Nos.3714 and 3715 of 2011 had shown urgency in the matter, this Court had directed the Respondents to deposit the unpaid wages in this Court.

4 I have considered the submissions of the learned Advocates and the strenuous objection raised by the Respondent/ Management.

5 These three Writ Petitions were heard by this Court when the order dated 29.01.2009 was passed. Interim relief was refused to all three of them. Two of the employees approached this Court in Civil Application Nos.3714 and 3715 of 2011. By order dated 10.06.2011, this Court had directed the Respondent/ Management to deposit the unpaid wages in this Court within eight weeks.

6 Merely because the Applicant has not approached this Court with promptitude, would not justify the rejection of this application when identically placed employees have been beneficiaries of the order dated 10.06.2011.

7 In the light of the above, this Civil Application is allowed.

8 The unpaid wages as directed by the Additional Commissioner, Tribal Development Department, in the impugned judgment, shall be deposited in this Court by the Respondent Nos.1 and 2/ Management within EIGHT WEEKS from today.

kps

(RAVINDRA V. GHUGE, J.)