

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

920 WRIT PETITION NO. 12451 OF 2015

The Chief Executive Officer,
Parbhani Jilha Dekhreh Sahakari
Sanstha Maryadit, Parbhani,
having its Head Office at
Sahakari Bank, Second Floor,
Parbhani, through:

...PETITIONER
(Original Resp.No.2)

versus

1. Mahemood Ali Amir Ali,
Age 68 years, Occ. Nil,
r/o. Rameshwar Nagar,
Parbhani, Tal. & Dist. Parbhani

and others.

...RESPONDENTS.

...
Advocate for Petitioner : Mr. Bagal Vishal A., Adv., h/f
Mr.V.P.Golewar

...
CORAM : P.R. BORA, J.
Dated: June 17, 2016

...

PER COURT :-

1. When the present petition was taken up for hearing, it is noticed that majority of the respondents are not served. On perusal of the title clause of the petition, it is revealed that almost all the respondents are above the age of 65 years and some of them are even more than 75

years old. Having considered the aforesaid fact, I asked the learned Counsel appearing for the petitioner to apprise me as to on what grounds the impugned judgment is challenged by the petitioner and, thereafter, with the assistance of the learned Counsel appearing for the petitioner when I went through the impugned judgment and the grounds stated in the present petition in exception to the said judgment, it is revealed that the writ petition is devoid of any substance and no interference is required in the impugned judgment and order for the following reasons.

2. In IDA No.18/2010, the following order has been passed on 19.5.2015 by the Labour Court, Nanded:

- "1) Application is partly allowed.
- 2) The respondents are hereby directed to pay the legal dues (including gratuity) of all the get sachiv after refixation of their pay scale considering the annual increments as well as special increments as directed by the Industrial Court, Pune in the judgment within 3 months along with 12% interest.

- 3) The judgment is dictated and pronounced in open court "

3. It is not in dispute that the employees of the different Cooperative Supervisory Societies like the petitioner society have raised industrial dispute in respect of their pay fixation and accordingly, several References were made and were forwarded to the Industrial Tribunal at Pune for adjudication. The said References being Reference (IT) No.83, 76, 167, 427, 428, 496 of 1997 were adjudicated by the Industrial Tribunal at Pune, and in the awards so passed by the Tribunal several directions were issued to the Cooperative Supervisory Societies for fixation of the wages payable to the employees and the mode and rate of the increments, etc.

4. Admittedly, the award passed by the Industrial Tribunal, Pune, has not been challenged by any of the Cooperative Supervisory Societies, including the petitioner society. On the contrary, as is revealing from the contents of the petition, the award so passed by the Industrial Tribunal was, in fact, implemented. The

contents of the petition further reveal that in the audit of the accounts conducted of the petitioner cooperative society certain objections were raised regarding excess payment to their employees i.e. the present respondents while fixing their pay scales. On such objection, the petitioner society stopped making payment to its employees at the new pay scale fixed in accordance with the award passed by the Industrial Tribunal at Pune and started paying the wages at the erstwhile rate i.e. prior to the passing of the award by the Industrial Tribunal. The respondent employees, therefore, preferred an application under Section 33-C(2) of the Industrial Disputes Act before the Labour Court at Nanded wherein the impugned order came to be passed.

5. The learned Labour Court after having assessed the evidence brought before it has recorded a clear finding that the petitioner society has wrongly re-fixed the pay scales of the respondent employees at the instance of auditor overlooking the findings of the Industrial Court in Reference (IT) No.427/1975 which was

binding upon the petitioner society and hence directed the respondents to pay the legal dues (including gratuity) of all the Gat Sachivs after refixation of their pay scales considering the annual increments as well as special increments as directed by the Industrial Court, Pune, in the judgment within three months along with 12% interest. It does not appear to me that the learned Labour Court has committed any error in giving such direction to the petitioner society. No interference is, therefore, required in the impugned order. Hence, the following order:

ORDER

- 1) The writ petition is dismissed without any order as to costs.

(P.R.BORA)
JUDGE