

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.9618 OF 2014

Shrirampur Taluka Kapus Utpadak
Sahakari Sutgirni Maryadit,
Shrirampur, Tq. Shrirampur,
Ahmednagar, through its
Liquidator / Collector, Ahmednagar. ..Petitioner

Versus

1. Changdeo Nivrutti Lahare,
Deceased, through L. Rs.:-

(a) Pratap Changdeo Lahare
(b) Sharad Changdeo Lahare
(c) Rajendra Changdeo Lahare

All major, Occ. Agriculturists,
All r/o Wakadi, Dighi Road,
Taluka Rahata, Dist. Ahmednagar.

2. The Assistant Commissioner
of Labour, Ahmednagar.

3. Tahsildar and Taluka
Executive Magistrate,
Shrirampur, Dist. Ahmednagar. ..Respondents

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Advocate for Petitioner : Shri Suryawanshi Nitin B.
Advocate for Respondents 1(a) to 1(c) : Shri Barde Parag Vijay
AGP for Respondents 2 & 3 : Smt. Raut S.S.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: March 09, 2016

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ORAL JUDGMENT :-

1. Heard.

2. Leave to bring L.Rs. of respondent No.1 on record is granted.

Addition be carried out forthwith. Shri Barde, learned Advocate appears on behalf of the L.Rs. of deceased respondent No.1 / employee and waives service.

3. Rule.

4. By consent, Rule is made returnable forthwith and the petition is taken up for final disposal.

5. The petitioner is aggrieved by the impugned Revenue Recovery Certificate ("RRC") dated 3.10.2013, by which respondent No.3 has initiated steps to recover amount from the petitioner as arrears of land revenue under the Arrears of Land Revenue Act, 1890.

6. Shri Suryawanshi, learned Advocate for the petitioner has strenuously criticized the impugned certificate. Contention is that though the Labour Court has granted monetary benefits to the deceased / employee upto 27.5.1994, the impugned certificate indicates an exaggerated amount. He submits that initially, the deceased employee, who was dismissed from service, had approached the Labour Court by filing Application BIR No.16 of 1984. The enquiry was set aside. The petitioner preferred Revision IC No. 1 of 1990, which was allowed and the removal of the employee was held to be legal, proper and valid.

7. The employee had approached this Court in Writ Petition No.3029 of

1991. By the judgment of this Court dated 14.1.2010, though the judgment of the Industrial Court was set aside, this Court opined that as the charges had become stale and the petitioner had gone into liquidation, the direction to conduct a fresh enquiry by the Labour Court was quashed and set aside.

8. He further submits that the Labour Court then by judgment dated 11.8.2010 allowed the application and set aside the order of dismissal, dated 20.1.1984. The legal dues and backwages from 20.1.1984 till 27.5.1994 were directed to be paid. The petitioner has calculated the amount as set out in the chart at page No.56 and an amount of Rs.2,20,000/- are required to be paid to the legal heirs of the deceased / employee. Shri Suryawanshi, therefore, prays for setting aside the impugned certificate.

9. Shri Barde, learned Advocate for the L.Rs. of the deceased employee, vehemently supports the impugned certificate. He submits that an amount of Rs.7940/- towards suspension allowance, bonus of Rs.22,712/- and unpaid earned leave of Rs.4,443/- will also have to be taken into account.

10. He disputes the calculations set out in page No.56 but submits that the monthly wages have been rightly taken into account by the petitioner in the said chart. He, therefore, prays for a direction to the petitioner to pay all legal dues as per the impugned revenue recovery certificate and dismiss

this petition with costs.

11. I have considered the submissions of the learned Advocates.

12. It is undisputed that the Labour Court has granted monetary benefits to the deceased employee upto 27.5.1994. Though the deceased employee has calculated his amount of arrears in a different manner, the chart at page No.56 is said to be indicative of the correct monthly wages. If that be so, the amount of Rs.2,19,730/- (approximately Rs. 2,20,000/-) could be said to be a correct figure. The suspension allowance of about Rs. 7,940/- , the leave pay of about Rs.4433/- and the bonus of about Rs. 22,712/- would approximately be an amount of Rs.35,000/-. By adding the same to the amount of Rs.2,20,000/- would bring the arrears to Rs.2,55,000/-.

13. The petitioner has deposited Rs.1,00,000/- in this Court and which must have gathered interest for the past about 14 months. No doubt, the said amount of Rs.2,55,000/- would have become payable to the deceased employee in August, 2010. Taking into account the interest component, an addition of Rs. 20,000/- for the past 5 years, in my view, would sufficiently compensate the legal heirs of the deceased employee.

14. In the light of the above and taking into account the totality of the factors recorded as above, this petition is partly allowed. The impugned certificate dated 3.10.2013 stands modified with a direction to the petitioner to pay an amount of Rs.2,75,000/- to the legal heirs of the deceased employee. Consequentially, the amount deposited with interest

shall be withdrawn by the legal heirs from this Court. The petitioner shall, therefore, pay an amount of Rs.1,75,000/- to the L.Rs. within a period of twelve weeks from today.

15. Rule is made partly absolute, accordingly. No order as to costs.

(RAVINDRA V. GHUGE, J.)

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akl/d