

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

WRIT PETITION NO. 11760 OF 2016

Mungi Vikas Karyakari Seva Sahakari
Sanstha Maryadit.
Through Secretary,
Mungi, Tq.Shevgaon,
District Ahmednagar.

...PETITIONER

-VERSUS-

- 1 The State of Maharashtra.
- 2 Shaikh s/o Sikander Jamalbai,
Age : 57 years, Occupation : Director,
R/o Mungi, Tq.Shevgaon,
District Ahmednagar.

...RESPONDENTS

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Advocate for Petitioner : Shri Parnere Satish B
AGP for Respondent 1 : Shri S.N.Kendre.
Advocate for Respondent 2 : Shri D.R.Markad.

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 30th November, 2016

Oral Judgment :

- 1 Rule. Rule made returnable forthwith and heard finally by the
consent of the parties.

2 The Petitioner is aggrieved by the order dated 26.10.2016 passed by the Labour Court in Reference (IDA) No.10/1987 by which the Demand Draft of Rs.75,000/- has been returned to the Petitioner as the direction of this Court to deposit the same within six weeks from 16.08.2016 while remanding the reference proceedings, has not been complied with.

3 I have considered the reasons set out in the Writ Petition and the submissions of the learned Advocates for the respective sides.

4 The learned Advocate for Respondent No.2, who is the contesting second party workman before the Labour Court and who is present in the Court, submits on instructions that if the Demand Draft of Rs.75,000/- is deposited before the Labour Court within two weeks from today, this petition may be allowed and Respondent No.2/ Employee may be permitted to withdraw the said amount as per the direction of this Court below paragraph 9(b) of the judgment dated 16.08.2016.

5 Notwithstanding the above, I find that the order of the Labour Court could not be termed as being erroneous since the Petitioner failed to comply with the directions of this Court. However, in order to ensure that ends of justice are met, I am inclined to allow this Writ Petition by

imposing costs of Rs.10,000/- on the Petitioner, who shall deposit the same in this Court.

6 The learned Advocate for Respondent No.2 submits that the said amount could be donated to the Advocates' Association of Bombay High Court, Bench at Aurangabad.

7 In the light of the above, this Writ Petition is allowed. The order dated 26.10.2016 passed by the Labour Court is set aside. The Petitioner shall deposit an amount of Rs.10,000/- (Rupees Ten Thousand) with the Advocates' Association of Bombay High Court, Bench at Aurangabad within THREE WEEKS from today and shall produce the receipt of the same before the Labour Court to indicate that the cost has been deposited. The amount of Rs.75,000/- shall be deposited within TWO WEEKS from today before the Labour Court.

8 Considering the above, Reference (IDA) No.10/1987 stands remitted to the Second Labour Court, Ahmednagar on the same terms and conditions set out below paragraphs 9(b) to 9(f) and 9(h) of the order dated 16.08.2016. Insofar as the time frame granted to the Labour Court to decide Reference (IDA) No.10/1987 is concerned, same shall stand extended upto 30.06.2017.

9 Rule is made absolute in the above terms.

kps

(RAVINDRA V. GHUGE, J.)