

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

**CIVIL APPLICATION NO. 686 OF 2016
WITH
REVIEW APPLICATION (STAMP) NO.38072 OF 2015
IN
WRIT PETITION NO. 2729 of 2015**

**ALONG WITH
CIVIL APPLICATION NO. 845 OF 2016
WITH
REVIEW APPLICATION (STAMP) NO.38090 OF 2015
IN
WRIT PETITION NO.2593 OF 2015**

**ALONG WITH
CIVIL APPLICATION NO.846 OF 2016
WITH
REVIEW APPLICATION (STAMP) NO.38082 OF 2015
IN
WRIT PETITION NO.2592 OF 2015**

**VASANTRAO NAIK MARATHWADA KRISHI VIDYAPEETH THROUGH ITS
VICE CHANCELLOR AND OTHERS
VERSUS
MARATHWADA SARVA SHRAMIK SANGHATANA PARBHANI THROUGH
JOINT SECRETARY U.N.SHINDE.**

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Advocate for Applicants/ University : Shri Sakolkar Vijay G.

Advocate for Respondents/ Union : Shri P.V.Barde.

Advocate for Respondents/ Dean : Shri P.G.Rodge.

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 27th January, 2016

Per Court:

1 The Review Petitioner /Agriculture University is seeking review of the judgment of this Court dated 29.09.2015 delivered in Writ Petition No.6977/2006 and 11 other petitions by which costs were imposed on the Review Petitioner while remitting the matters to the Labour Court/Industrial Tribunal, as the case may be.

2 The grievance is that costs of Rs.5000/- to each of members mentioned in Annexures-A to the complaints is about Rs.26,20,000/- (Rupees Twenty Six Lac Twenty Thousand).

3 Shri Sakolkar, learned Advocate for the Review Petitioner, submits that he is quite aware that this review petition has its own limitation and the Review Petitioner is before this Court only on the ground that it is an Agriculture University which does not generate enough funds. It survives on grants and fees of students. Costs of Rs.26,20,000/- would be a huge burden on the University. By way of an exceptional case and in the light of the peculiar facts, costs may be reduced so as to enable the Review Petitioner to shoulder the burden.

4 Shri Barde, learned Advocate for the Non-Applicant/ Workers Union, submits that costs were imposed since the University has been

totally negligent and careless with regard to the proceedings before the Labour Court/ Industrial Tribunal. Even after remand, for 08 dates there has been little cooperation from the University. Despite a well reasoned judgment of this Court wherein this Court has made the University aware as to what it's pleadings should be and what should be the evidence that should be brought on record, yet the University has filed a skeletal Written Statement running in two pages, which would not assist the Court below in any way.

5 Shri Barde further submits that on 08.01.2016, no cross order been been passed by the Labour Court after the Union and it's employees had led evidence. If this is the attitude of the University in not cooperating with the Labour Court, it does not deserve any mercy in reducing costs.

6 He further submits that the Union has been espousing the cause of thousands of workers and same is on charity. Costs need to be awarded to the Union so as to enable it to bear the financial burden of the litigation. The order under review, therefore, may be modified only to the extent of paragraphs 45, 46 and 47, by granting costs to the Non Applicant/ Union.

7 Considering the submissions of the learned Advocates as

above, these three Civil Applications for condonation of delay are allowed. Delay caused in filing these three Review Petitions is condoned.

8 The three Review Petitions are partly allowed by reducing the total costs to Rs.5 lac, which the Review Petitioner/ University shall pay to Non-Applicant No.1/ Union by a Pay Order/ Demand Draft in the name of the Union, which shall be credited to the official account of the Union. The said amount shall be paid within THREE WEEKS from today.

9 Paragraphs 45, 46 and 47 of the judgment under review dated 29.09.2015 are, accordingly, modified.

kps

(RAVINDRA V. GHUGE, J.)