

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.2857 OF 2001

The Principal Secretary to Government
Social Welfare, Cultural Affairs Department
And Others ... Petitioners
Versus
Smt. Aparna Dattatraya Ranganekar
And Another ... Respondents

.....

Mr. S.S. Pakale a/w Mrs. V.S. Nimbalkar, AGP for Petitioners-State.

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CORAM : S.C.GUPTE, J.

DATE : 30 JUNE 2016.

P.C. :

. This Petition challenges an order passed by the Labour Court at Satara, on a Reference under Section 33C(2) of the Industrial Disputes Act, 1947. By the impugned order, Respondent No.1 (original complainant) was held to be entitled to recover a sum of Rs.1,43,000/- from the Petitioners herein (opponents in the original reference) alongwith interest at 10% p.a. from the date of the order till the date of recovery of the entire amount.

2 The impugned order was passed on the basis of an order passed by the Industrial Court, Kolhapur, in a complaint filed by Respondent No.1 herein under the provisions of M.R.T.U. & P.U.L.P. Act, 1971. By the time the reference was heard by the Labour Court and the impugned order came to be passed, the orders passed by the Industrial Court in favour of

Respondent No.1 herein, together with similar order passed in other cases, was stayed by this Court. The Labour Court, however, was of the view that in view of the directions given by this Court, it was necessary to consider approximate dues payable to Respondent No.1 herein. The Labour Court, in the premises, proceeded to accept a hypothetical statement of dues to be calculated on the footing that the main matter was still subjudice before this Court. After thus taking into account a hypothetical statement for the sake of calculations, the Labour Court proceeded to determine the dues payable by the Petitioners to Respondent No.1 herein. It appears that subsequently, when the Writ Petition challenging the impugned order passed by the Industrial Court, Kolhapur under M.R.T.U. & P.U.L.P. Act, 1971 in favour of the workmen including Respondent No.1 herein, came up for hearing before this Court, all the impugned orders were set aside. In view of the fact that the Industrial Court at Satara had been established, the complaints were remanded to the Industrial Court at Satara for being decided on merits in accordance with law after giving opportunity to both sides. It appears that the Industrial Court at Satara thereafter by its judgment and order dated 14 August 2001 dismissed all the complaints including the complaint of Respondent No.1 herein.

3 In the premises, the impugned order passed by the Labour Court at Satara, cannot be sustained and will have to be set aside. Accordingly, **Rule** is made absolute. The impugned order of the Labour Court at Satara, dated 25 November 1999 is quashed and set aside. No order as to costs.

(S.C.GUPTE, J.)