

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**NOTICE OF MOTION NO. 366 OF 2014
IN
WRIT PETITION NO. 956 OF 2013**

Mrs.Alka Mukesh Panchal & Anr. ...Applicants / Orig.Respts.1 and 2

In the matter between

M/s.Pac Computers Ltd. & Ors. ...Petitioners

vs.

Mrs.Alka Mukesh Panchal & Ors.Respondents

Mr.K.R. Shetty with Ms.Karuna Yadav I/b. N.M. Ganguli for Applicants /
Orig.Respondents

Mr.A.S. Rao with Prashant Kamble for Respondents /Orig. Petitioners.

WITH

WRIT PETITION NO. 1873 OF 2013

Mrs.Alka Mukesh Panchal & Anr. ...Petitioners

vs.

Pac Computers Ltd. & Ors.Respondents

CORAM : S.C. GUPTE, J.

10 AUGUST 2016

P.C. :

Heard learned Counsel for the parties.

2 This notice of motion seeks an order against the original Petitioners for depositing in this court a sum of Rs.22,11,659/- towards the wages of the Applicants (original Respondent Nos.1 and 2) and continuing to deposit all further monthly wages from July 2014 till lawful closure of the undertaking. The Industrial Court's order requires the original Petitioners to pay full wages to the Applicants till the date of closure and also pay closure compensation as per Section 25-F of the Industrial Disputes Act, 1947 to both the Applicants together

with costs of Rs.5000/- to each of the Applicants. The order of the Industrial Court directing such payment is challenged both by the Petitioners herein as well as the Applicants in their own writ petition, namely, Writ Petition No.1873 of 2013, whereas it is the grievance of the present Petitioners that the Industrial Court ought not to have directed closure compensation to the Applicants as of 1 July 2002, that being the date of closure, the case of the Applicants in their own petition is that the Industrial Court ought to have considered that there was no legal closure and ought to have directed the Petitioners herein to pay full wages upto the date of any future legal closure. That is the subject matter of the controversy in the Applicants' own petition. However, as far as the present order of the court is concerned, namely, order dated 3 October 2013 passed in the present petition, it simply requires the Petitioners to deposit the amount in accordance with the impugned order. The Petitioners have already paid / deposited amount of full wages in respect of both the Applicants. So also the Petitioners have paid closure compensation calculated at the rate of Rs.8145/- being the last drawn salary and for 16 years of completed service in case of Applicant No.2 and at the rate of Rs.3950/- per month for 14 completed years of service in case of Applicant No.1. The Petitioners have also deposited costs of Rs.5000/- each in the case of both the Applicants. The Petitioners are not liable to deposit any further amount in this court in pursuance of the order of the Industrial Court. Accordingly, there is no merit in the notice of motion and the same is dismissed. No order as to costs.

3 The Applicants are permitted to withdraw the amounts by offering security to the satisfaction of the Prothonotary & Senior Master of this court. It is ordered accordingly.

4 At the request of the Applicants, the hearing of the petition is expedited.

(S.C. Gupte, J.)