

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Writ Petition No.353 of 2015

(The President, Panchasheel Teachers Education Society, Akola and another
 vs.
 Bhaskar Najukrao Wankhade)

with

Writ Petition No.354 of 2015

(The President, Panchasheel Teachers Education Society, Akola and another
 vs.
 Ravindra Shamsundar Mhaisne)

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Office notes, Office Memoranda of
 Coram, appearances, Court's orders
 or directions and Registrar's orders.

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Court's or Judge's Orders

Shri A.R. Deshpande, Advocate for the petitioners.
 Shri S.D. Zoting, Advocate for the respondent.

CORAM : A.S. CHANDURKAR, J.

DATE : 15th JUNE, 2016.

In view of notice for final disposal issued in these writ petitions, the learned Counsel for the parties have been heard at length.

The challenge in these writ petitions is to an interim order passed by the Industrial Court directing the petitioners to pay subsistence allowance along with arrears, if any, till completion of the enquiry proceedings that have been initiated against the respondents. It is the case of the petitioners that as the respondents-employees were not cooperating in the enquiry proceedings, such interim order could not have been passed. It is, however, submitted by relying upon additional affidavit dated

19/04/2016 that the petitioners are agreeable to permit the respondents to withdraw the amount of subsistence allowance deposited in terms of the order dated 17/03/2015 passed in the writ petitions. It is, however, submitted that the proceedings in the enquiry be expedited.

Shri S.D. Zoting, the learned Counsel for the respondents submitted that despite earlier order dated 26/11/2010 in Writ Petition Nos.3774 and 3775 of 2010, the respondents were not paid subsistence allowance. It is denied that the employees are responsible for the delay in completion of enquiry proceedings.

Considering the nature of the interim order passed by the Industrial Court and without recording a finding as regards correctness of the observations made therein, the interests of justice would be met by passing the following order.

- i. The petitioners shall pay subsistence allowance to the respondents in terms of order dated 20/03/2014 passed by the Industrial Court.
- ii. The amounts already deposited by the petitioners before the Industrial Court shall be permitted to be withdrawn by the respondents.

- iii. In case of any dispute with regard to the calculation of the amount of subsistence allowance, the same shall be considered by the Industrial Court along with the main proceedings. Till such adjudication in respect of the amount of subsistence allowance is done, the proceedings filed under Section 48 of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971 shall not be adjudicated by the Industrial Court.
- iv. The enquiry proceedings initiated by the petitioners against the respondents shall be completed within a period of three months from today keeping in view the order dated 26/11/2010 passed by the Division Bench in Writ Petitions Nos.3774 and 3775 of 2010.
- v. The petitions are disposed of in aforesaid terms with no order as to costs.

JUDGE

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