

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO.4161 OF 1995

Jyoti Power-loom Co-operative
Society Ltd., Latur,
Through its Liquidator,
Shri K.D. More

...PETITIONER

VERSUS

Shaikh Younus Khaja,
Aged-26 years, Occu:Nil,
R/o-Latur.

...RESPONDENT

WITH

WRIT PETITION NO.4162 OF 1995

Adarsh Power-loom Co-operative
Society Latur,
Through its Liquidator,
Shri K.D. More

...PETITIONER

VERSUS

Devidas s/o Namdeo Rathod,
Aged-35 years, Occu:Nil,
R/o-Latur.

...RESPONDENT

WITH

WRIT PETITION NO.4164 OF 1995

Raj Power-loom Co-operative
Society Latur,
Through its Liquidator,
Shri K.D. More

...PETITIONER

VERSUS

Sitaram s/o Ganpati Rathod
Aged-38 years, Occu:Nil,
R/o-Latur.

...RESPONDENT

WITH

WRIT PETITION NO.4165 OF 1995

WITH

CIVIL APPLICATION NO.2270 OF 1999

Jagrati Power-loom Co-operative
Society Ltd.,
Through its Liquidator,
Shri K.D. More

...PETITIONER

VERSUS

Smt. Kesharbai w/o Digambar Mane
Age-45 years, Occu:Nil,
R/o-Latur.

...RESPONDENT

WITH

WRIT PETITION NO.4166 OF 1995

Raj Power-loom Co-operative
Society Latur,
Through its Liquidator,
Shri K.D. More

...PETITIONER**VERSUS**

Pandurang Satwaji Suryawanshi,
Age-55 years, Occu:Service,
R/o-Latur.

...RESPONDENT**WITH****WRIT PETITION NO.4167 OF 1995**

Vijay Power-loom Co-operative
Society Latur,
Through its Liquidator,
Shri K.D. More

...PETITIONER**VERSUS**

Bismillabee w/o Osmansaheb,
Aged-35 years, Occu:Nil,
R/o-Latur.

...RESPONDENT**WITH****WRIT PETITION NO.4168 OF 1995**

Jagruti Power-loom Co-operative
Society Latur,
Through its Liquidator,
Shri K.D. More

...PETITIONER

VERSUS

Smt. Gayabai Arjun Kamble,
Aged-32 years, Occu:Nil,
R/o-Latur.

...RESPONDENT**WITH****WRIT PETITION NO.4169 OF 1995**

Raj Power-loom Co-operative
Society Latur,
Through its Liquidator,
Shri K.D. More

...PETITIONER**VERSUS**

Parashram s/o Hema Pawar,
Aged-40 years, Occu:Nil,
R/o-Latur.

...RESPONDENT**WITH****WRIT PETITION NO.4170 OF 1995**

Vikas Power-loom Co-operative
Society Latur,
Through its Liquidator,
Shri K.D. More

...PETITIONER**VERSUS**

Dayanand s/o Malhari Shinde,
Aged-40 years, Occu:Nil,
R/o-Latur.

...RESPONDENT**WITH**

WRIT PETITION NO.4171 OF 1995

Jagruti Power-loom Co-operative
Society Latur,
Through its Liquidator,
Shri K.D. More

...PETITIONER**VERSUS**

Shahajadbee w/o Nazir Shaikh,
Aged-38 years, Occu:Nil,
R/o-Latur.

...RESPONDENT**WITH****WRIT PETITION NO.4172 OF 1995**

Vijay Power-loom Co-operative
Society Latur,
Through its Liquidator,
Shri K.D. More

...PETITIONER**VERSUS**

Shankar s/o Rupa Pawar,
Aged-40 years, Occu:Nil,
R/o-Latur.

...RESPONDENT**WITH****WRIT PETITION NO.4173 OF 1995**

Vijay Power-loom Co-operative
Society Latur,
Through its Liquidator,
Shri K.D. More

...PETITIONER

VERSUS

Kamalbai w/o Daulatrao Mane,
Aged-30 years, Occu:Nil,
R/o-Latur.

...RESPONDENT**WITH****WRIT PETITION NO.4175 OF 1995**

Vikas Power-loom Co-operative
Society Latur,
Through its Liquidator,
Shri K.D. More

...PETITIONER**VERSUS**

Husainsaheb Allabaksha,
Aged-63 years, Occu:Nil,
R/o-Latur, Dist-Latur

...RESPONDENT**WITH****WRIT PETITION NO.4176 OF 1995**

Samrat Power-loom Co-operative
Society Latur,
Through its Liquidator,
Shri K.D. More

...PETITIONER**VERSUS**

Nandu s/o Hema Pawar
Age-35 years, Occu:Nil,
R/o- Kanheri Laman Tanda,
Latur.

...RESPONDENT

WITH

WRIT PETITION NO.4178 OF 1995

Vijay Power-loom Co-operative
Society Latur,
Through its Liquidator,
Shri K.D. More

...PETITIONER

VERSUS

Janabai Shrirang Shelwane,
Aged-55 years, Occu:Nil,
R/o-Latur.

...RESPONDENT

WITH

WRIT PETITION NO.4174 OF 1995

Samrat Power-loom Co-operative
Society Latur,
Through its Liquidator,
Shri K.D. More

...PETITIONER

VERSUS

Vimal Zumbar Lohar,
Aged-35 years, Occu:Nil,
R/o-Latur.

...RESPONDENT

...

Mr.S.Y. Patil Advocate h/f. Mr. B.N. Patil
Advocate for Petitioners in all the Writ
Petitions.

None present for Respondents in all these
Writ Petitions.

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CORAM: S.S. SHINDE, J.

DATE : 11TH MAY 2017

ORAL JUDGMENT :

1. Writ Petition No.4174 of 1995 is not on Board. Learned counsel appearing for the Petitioner makes oral prayer to take Writ Petition No.4174 of 1995 on Board. Since the subject matter of the said Writ Petition is identical with all these Writ Petitions, the same is taken on Board and heard along with other Writ Petitions.

1. When all these Petitions are called out for hearing, Mr. S.Y. Patil Advocate holding for Mr. B.N. Patil Advocate, has tendered across the Bar the copy of the Oral Judgment delivered on 18th July, 2016 by the learned Single Judge of this Court (CORAM: RAVINDRA V. GHUGE, J.) in the case of Vikas Powerloom Co-operative Society, Latur vs. Adinath s/o Namdeo Shinde and others (Writ

Petition No.4325 of 1995 and other connected Writ Petitions), and relying upon the said Judgment, submits that the said Writ Petitions dismissed by this Court were having identical/same challenge like in the present Petitions. Therefore, he submits that this Court may pass an appropriate orders even in the present Writ Petitions. Copy of the Judgment in the case of Vikas Powerloom Co-operative Society, Latur vs. Adinath s/o Namdeo Shinde and others (Writ Petition No.4325 of 1995 and other connected Writ Petitions) is taken on record.

2. Upon hearing the learned counsel appearing for the Petitioners and perusal of the order passed by this Court in the case of Vikas Powerloom Co-operative Society, Latur vs. Adinath s/o Namdeo Shinde and others in Writ Petition No.4325 of 1995 and other connected Writ Petitions, and on comparison of the facts in the present Writ Petitions vis-a-vis in the said Writ

Petitions, I find considerable force in the submission of learned counsel appearing for the Petitioners, that the issues/ facts involved in those Writ Petitions and also in the present Writ Petitions are similar/identical.

3. Upon careful perusal of the reasons assigned by this Court in the case of *Vikas Powerloom Co-operative Society, Latur vs. Adinath s/o Namdeo Shinde and others, supra*, it appears that reliance is placed on the ratio laid down in the case of *Baburao Dadarao Kolhe and others vs. State of Maharashtra and others*¹ and it is concluded that as the claim of the workers was not in relation to the business of the society and was purely a claim of wages, it was not necessary to array the liquidator or seek permission of the liquidator. Even if such permission was sought, it should be granted. Upon perusal of Para 7 of the said Judgment delivered on 18th July, 2016, it

¹ 2004(2) Mh.L.J. 898

appears that considering the passage of time of 21 years, the Court declined to cause interference with the impugned Judgments assailed in those Writ Petitions. It further appears that arguments of Mr. B.N. Patil Advocate appearing for the Petitioners in those Writ Petitions have been recorded in Para 3 of the said Judgment wherein it was argued that Issue No.1 framed by the Labour Court in the facts of that case, was not properly considered and impugned orders therein reflects non-application of mind. The question of jurisdiction of entertaining the proceedings before the Labour Court was also raised since the Petitioner society was in liquidation, in view of the bar contained under Section 107 of the Maharashtra Co-operative Societies Act, 1960. However, this Court considering the passage of time of 21 years from filing the Petitions, declined to entertain the said Petitions, thereby confirming the impugned Judgments which were assailed in those Petitions.

4. Upon independent scrutiny of the grounds raised in the present Writ Petitions, I do not find any reason to take different view than the view taken by the learned Single Judge of this Court (CORAM: RAVINDRA V. GHUGE, J.) in the case of Vikas Powerloom Co-operative Society, Latur vs. Adinath s/o Namdeo Shinde and others, supra. In that view of the matter, for the same reasons which are assigned in Para 7 of the Judgment, these Writ Petitions are devoid of merits. All the Writ Petitions are dismissed. Rule is discharged.

5. Pending Civil Applications in all these Writ Petitions, if any, stands disposed of.

. I appreciate the gesture shown by learned counsel Mr. S.Y. Patil holding for Mr. B.N. Patil Advocate appearing for Petitioners, that though the subject matter of all these Writ Petitions is covered by the Judgment in the case of Vikas

Powerloom Co-operative Society, Latur vs. Adinath s/o Namdeo Shinde and others, supra, he marked his attendance and argued the Writ Petitions though there are Summer Vacations and the Writ Petitions pertain to the year of 1995.

[S.S. SHINDE, J.]

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