

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

WRIT PETITION NO. 1996 OF 2012

Hutatma Jayavantrao Patil Sakhar
Kamgar Union.

Petitioner.

Versus

The State of Maharashtra and others

Respondents.

Mr. S.S. Wagh, Advocate holding for
Mr. S.T. Shelke, Advocate for the petitioner.

Mr. Y.G. Gujrathi, A.G.P. for the State/respondent Nos.1 & 2.

Mr. R.N. Dhorde, with Mr. V.R. Dhorde, Advocates for respondent No.3.

Mr. V.D. Golewar, Advocate holding for
Mr. P.M. Shinde, Advocate for respondent No.4.

CORAM : **RAVINDRA V. GHUGE
 AND
 SUNIL K. KOTWAL, JJ.**

Dated : 24-11-2017.

ORAL ORDER :-

1. By this Petition, the petitioner Union of Workers has prayed in prayer Clause No.13-B that a writ of mandamus be issued directing respondent No.4 (Co-operative Sugar Factory) to continue the services of the employees, to ensure that the payment of legal dues of the workers and the payment of unpaid wages is made in time inclusive of the payment of Provident Fund and Gratuities, etc. out of the sale proceeds of the assets of respondent No.4- Sugar Factory.

2. **In the matter of Baburao Dadarao Kolhe and others Vs. State of Maharashtra and others [2004 (2) Mh.L.J.]**, this Court has permitted the filing of a ULP (Complaint) under Item No.9 of Schedule IV of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971 before the Industrial Court for payment of unpaid wages and employment benefits.

3. We do not think that this Court should exercise its extraordinary jurisdiction under Article 226 of the Constitution of India to deal with the matters of unpaid wages and service benefits as against a private/co-operative sugar factory.

4. We are, therefore, disposing of this Petition with leave to the petitioners to approach an appropriate Court or Forum for seeking a redressal of their grievances as voiced in the prayer clauses in this Petition.

5. If the issue of delay arises, the pendency of this Petition from 13.02.2012 till the passing of this order shall be a good ground for condonation of delay.

(**SUNIL K. KOTWAL**)
JUDGE

(**RAVINDRA V. GHUGE**)
JUDGE