

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

**CIVIL APPLICATION NO. 4901 OF 2017
IN WP/2098/1999**

**MARUTI SHIVMURTI KHETRI DIED LRS KAVITA MARUTI KHETRI AND
OTHERS
VERSUS.
INDIAN SEAMLESS METAL TUBES LTD., AHMEDNAGAR.**

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**Advocate for Applicants : Shri Barde Parag Vijay.
Advocate for Respondent/ original Petitioner : Shri V N Upadhye.**

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 11th August, 2017

Per Court:

1 The Applicants are the legal heirs of the deceased workman Maruti Khetri, praying for payment of compensation, which was otherwise due to be paid to Maruti.

2 In Writ Petition No.2098/1999, the deceased Maruti was Respondent No.6. By judgment dated 22.12.2016, the Writ Petition was partly allowed in terms of compensation quantified at Rs.1,40,000/- each to be paid to four workmen, namely, Jagannath Mate, deceased Maruti Khetri, Balu Khandagale and Ramdas Zine. These four persons were discontinued and rest of the Respondents/ workmen in the petition were continued in service. It was in this backdrop that the direction to pay the

compensation to these four persons was passed.

3 It is now revealed that the deceased Maruti had actually passed away on 23.07.2000. As recorded in the judgment dated 22.12.2016, all the workmen were disengaged in 2006 and were offered Rs.75,000/- as a lump-sum compensation with the allotment of work that would be available. The contention before this Court was that the above four persons including the deceased Maruti were not offered work and therefore, they had declined to accept the compensation.

4 It appears that the learned Advocate for the Applicants was not aware that Maruti had passed away in 2000 and was not in employment in 2006 so as to be entitled for compensation of Rs.75,000/- and regular work.

5 Shri Barde solemnly submits that there was no intention behind suppressing the demise of Maruti as he was not given this information by any of the other three persons, who were granted such compensation.

6 As the original Petitioner/ Management declined to pay compensation to the legal heirs of the deceased Maruti, the Applicants are before this Court.

7 It is informed that the deceased Maruti had worked from 1986 till 1995. Thereafter, he was out of employment. He passed away in 2000.

8 Considering the above, I do not find it appropriate to burden the Respondent/ Management with the direction of making payment of any compensation to the deceased Maruti through his legal heirs since he was not in employment from 1995 and even if he would have been entitled for reinstatement pursuant to the agreement in 2006, he was not alive to be a beneficiary of the said agreement.

9 In the light of the above, this Civil Application is without merit and stands rejected. The deceased Maruti/ his legal heirs would not be entitled to the compensation as was granted by the judgment dated 22.12.2016.

kps

(RAVINDRA V. GHUGE, J.)