

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

WRIT PETITION NO. 6342 OF 2012

Subhash Venkatrao Kalse and others Petitioner.

Versus

The State of Maharashtra & others Respondents.

Mr. B.R. Sable, Advocate for the petitioners.

Smt. M.A. Deshpande, Addl. G.P. for respondent Nos.1 to 4.

Mr. A.C. Darandale, Advocate for respondent No.8.

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

Dated : 10-11-2017.

ORAL ORDER :-

1. We have heard the learned Counsel for the petitioners for some time. Learned A.G.P. has brought to our notice the affidavit-in-reply dated 06.01.2015 filed by the District Deputy Registrar, Co-operative Societies, Parbhani on behalf of respondent Nos.1 to 4.

2. We find that the dispute / cause of action before us is in fact based on a grievance of unpaid wages of the petitioners by respondent No.7-Sugar Factory, which has been purchased by

respondent No.8. The Liquidator was appointed for liquidating the assets for respondent No.7.

3. Learned Counsel for respondent No.8 submits that the said Factory had purchased respondent No.7-Sugar Factory in an auction purchase under The Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act and the sale was free from all encumbrances.

4. The petitioners in this Petition seek that their employer-respondent No.7 and in turn respondent No.8 should be directed to pay their unpaid salaries, which are reflected in a statement of unpaid wages furnished by the Liquidator. Such a dispute, in our view, would not fall within our extraordinary jurisdiction under Article 226 of the Constitution of India. Seeking recovery of unpaid wages from a private employer, cannot be a subject-matter for adjudication in our extraordinary jurisdiction. This Court has considered similar situation originating from the Industrial Court in the case of **Baburao Dadarao Kolhe and others Vs. State of Maharashtra and others [2004 (2) Mh.L.J.]**.

5. Considering the above, this Petition is disposed of since the Petitioners now desire to make representations to respondent No.4 who would have control over respondent No. 7 and respondent

No.8 under the Co-operative Societies Act, for initiating action for the recovery of unpaid wages.

6. In the event of the petitioners' making such representations, either jointly or severally, within the period of 8 weeks from today to respondent No.4, the said representations would be considered by respondent No.4, keeping in view the statement of unpaid wages supplied by the Liquidator of respondent No.7 and subject to proper scrutiny and hearing of the parties. It is expected that respondent No.4 would decide the said representations within a period of 8 weeks after receiving them. We make it clear that respondent No.4 would be at liberty to exercise his powers in this context keeping view the provisions of the Co-operative Societies Act, 1960.

7. Needless to state, respondent No. 4 shall consider as to whether any other party or bank is involved in this dispute and after hearing the parties, shall pass appropriate orders.

(SUNIL K. KOTWAL)
JUDGE

(RAVINDRA V. GHUGE)
JUDGE