

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

WRIT PETITION NO. 7013 OF 2016

Vitthal s/o. Punjaram Gangurde & Ors. .. Petitioners

Versus

The State of Maharashtra .. Respondent

Mr.Girish K. Thigale (Naik), Advocate for the petitioners.

Mr.C.S. Kulkarni, AGP for the respondents.

**CORAM : S.V.GANGAPURWALA &
S.M.GAVHANE, JJ.**

DATED : 23.11.2017

P.C. :-

1. This Court on 04.08.2016 had issued notice to the respondents. Learned AGP had waived notice for the respondents. Since then no reply is filed by the respondents. Mr. Thigale, learned Counsel submits that the petitioner herein had filed application (IDA) Nos.91 of 1996 and 92 of 1996. The Labour Court allowed the applications and directed the respondents to make payment as per order in the said applications. Said applications were allowed on 20.07.2002 and 30.11.2001 respectively. Said order was challenged before this Court. The learned

Single Judge of this Court dismissed the writ petition confirming the order of the Labour Court. Still the payment is not made.

2. We have heard learned AGP also.

3. It appears that the order passed by the Labour Court in the applications filed by the petitioners have become final. The operative part of the order in case of petitioner No.1 – Vitthal s/o. Punjaram Gangurde is as under :-

“The application is allowed.

The applicant is entitled to claim Rs.22932/- from the respondent.

The respondent is hereby directed to make the payment of this amount to the applicant within three months from the date of this order; failing which the applicant shall be entitled to claim the interest @ 12% p.a. from the date of this order till its realization.

Under the circumstances, there is no order as to costs.”

4. Whereas, in case of petitioner Nos.2-Vitthal s/o. Tukaram Pathan and petitioner No.3-Bhausahab s/o. Appaji Shinde, the operative part in Application (IDA) No.92 of 1996 is as under :-

"Petitioner from A [IDA] No.92/96 is entitled to claim Rs.27,216/-. Whereas the petitioner from A[IDA] No.93/96 is entitled to claim Rs.23,439/-.

Respondent is hereby directed to make the payment of these amount to the petitioners respectively within 3 months from the date of this order; otherwise, petitioners will be entitled to claim the interest @ 18% p.a., from the date of this order till its realisation.

Exh.U-7/1 from A[IDA] No.92/96 and Exh. U-9/1 from A[IDA] No.93/96 be treated as a part and parcel of the order.

However, there will be no order as to cost of these petitions."

5. The orders passed by the Labour Court quoted above are confirmed by this Court. The writ petition filed by the respondent - State is dismissed in the year 2004. The amount is not yet paid. No reason is forthcoming for not making payment of said amount.

6. Considering the above, the respondents shall make payment by giving effect to the orders passed by the Labour Court in Application [IDA] Nos.91 of 1996 and 92 of 1996 (supra) expeditiously, preferably within six months.

7. The writ petition is disposed of. No costs.

[S . M . GAVHANE , J .]

[S . V . GANGAPURWALA , J .]