

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.7313 OF 2016
(The State of Maharashtra Vs.Gorakh Girju Thorat)
WITH
WRIT PETITION NO.7319 OF 2016
(The State of Maharashtra Vs.Manoj Sitaram Fartade)

Mr.N.T.Bhagat, AGP for the petitioner.

(CORAM : RAVINDRA V. GHUGE, J.)
DATE : 04/01/2017

PER COURT :

1. In an identical group of writ petitions bearing No.2952/2016 and connected matters, those petitions have been disposed of by setting aside the award of the Labour Court and the matters were remitted back to the Labour Court.

2. Thereafter, in a second group of identical matters in WP No.7314/2016 and connected petitions, a similar order was passed on 07/12/2016.

3. These two matters were segregated from the group as service on the sole respondent was awaited. Both the respondents in these matters have now been served. However, an appearance has not been entered either through an Advocate or in person.

4. Considering the earlier order passed by this Court dated

26/07/2016 and 07/12/2016, both these petitions are partly allowed. The impugned awards are quashed and set aside and the Ref.(IDA) Nos.30/2012 and 10/2013 are remitted back to the concerned Labour Court with the following directions :-

- [a] The petitioner/Department shall deposit an amount of Rs.15,000/- in each of these cases per worker, before the Labour Court within 6 (six) weeks from today as a precondition for adducing further oral and documentary evidence.
- [b] After the amounts are deposited, each of the respondents/ employees in these 02 cases shall withdraw the said amounts without conditions.
- [c] The petitioner shall appear before the respective Labour Courts, Ahmednagar (which have dealt with these respective cases) on 25/01/2017. Formal notices be issued to the original second party workmen.
- [d] The petitioner shall place on record before the Labour Court their documents which they deem fit and proper on or before the 23/02/2017.
- [e] Needless to state, extension of time shall not be sought by the petitioner for this purpose.
- [f] The Labour Court shall not discard the oral and documentary evidence already recorded and which shall be considered while deciding the reference cases afresh.
- [g] Both the litigating sides are at liberty to lead further oral and documentary evidence.
- [h] The Labour Court shall thereafter proceed to decide the said reference cases, as expeditiously as possible and preferably on or before 31/07/2017.

(RAVINDRA V. GHUGE, J.)