

(1)

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

WRIT PETITION NO. 10310 OF 2012

1. Popat Jagannath Baraskar,
Age: 42 years, Occu: Nil,
Nagapur, Ahmednagar
 2. Shivaji Vishwanath Chobhe,
Age: 60 years, Occu: Nil,
R/o at Islak, Post Nimbalak,
Taluka Nagar, Dist. Ahmednagar
 3. Raosaheb Ravaji Lande,
Age: 42 years, Occu: Nil,
R/o Khare Kharjune,
Taluka Nagar, Dist. Ahmednagar
 4. Maruti Trimbak Gaikwad,
Age: 62 years, Occu: Nil,
R/o Nimbalak, Taluka Nagar,
Dist. Ahmednagar
 5. Sampat Ramchandra Aabhale,
Age: 47 years, Occu: Nil,
R/o Nagapur, Ahmednagar
 6. Balasaheb Chimaji Borude,
Age: 48 years, Occu: Nil,
R/o Bolhegaon, Manolilal Nagar,
Taluka Nagar, Dist. Ahmednagar
- ..PETITIONERS

VERSUS

1. Vaccum Plant and Instruments
Manufacturing Company Ltd.,
48/A, Mundhawa, Hadapsar,
Opposite Railway Station, Pune,
(Through the Managing Director)
 2. Tulga Vaccum Pump Ltd.,
59/A/2, Mandhawa,
Pune 411 036
(Through Managing Director)
- ..RESPONDENTS

Mr P. V. Barde, Advocate for petitioners;
Mr D. J. Choudhary, Advocate for respondent No.1

(2)

CORAM : NITIN W. SAMBRE, J.**DATE : 30th October, 2017****ORAL ORDER**

The judgment and order dated 13th July, 2012, passed by learned Member, Industrial Court, Ahmednagar in Complaint (ULP) No.54 of 2001, is questioned in this petition.

2. Mr Barde, learned Counsel appearing on behalf of petitioners does not press other prayer clauses, but for prayer clauses (A) and (B). As such, the order of the Industrial Court, to that extent, stands confirmed.

3. So far as prayer clauses (A) and (B) are concerned, having heard respective learned Counsel for some time, what could be noticed is, the learned Industrial Court has failed to deal with in detail the documents Exhs.U-22 and U-4, apart from the material placed on record by the employer depicting payment of wages/entitlement to the petitioners-employees. It was expected of the learned Industrial Court to go into the said issue and find out entitlement of the present petitioners-employees, in the wake of prayer clauses (A) and (B).

4. What could be noticed from the order impugned is, but for referring to the documents, the Industrial Court has kept itself away from considering the contents of the said documents, evaluation thereof in the backdrop of the pleadings and oral evidence brought on record. In view

(3)

thereof, in my opinion, a case for remand, to that effect, is made out. I, therefore, pass following order :-

The order impugned, to the extent of prayer clauses (A) and (B), passed by the learned Member, Industrial Court, Ahmednagar, is hereby quashed and set aside.

Complaint (ULP) No.54 of 2001, to that extent, stands restored to the file of learned Member, Industrial Court, Ahmednagar, who is directed to decide prayers (A) and (B) afresh, based on the material available on record.

Learned Member, Industrial Court, Ahmednagar shall pass a detailed order after appreciating pleadings and evidence brought on record as expeditiously as possible and in any case, within two months from the date of appearance of the parties before him.

Parties hereto agree that they shall appear before the learned Member, Industrial Court, Ahmednagar on 27th November, 2017, if required with written notes of arguments.

Parties hereto assure that they shall not seek any further adjournment in the matter before the Industrial Court.

(4)

Writ Petition stands partly allowed in above terms.

(NITIN W. SAMBRE, J.)

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