

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 6392 OF 2000

Shri Krishna Nemane Patil and Ors. ...Petitioners

Versus

The State of Maharashtra and Ors. ...Respondents

None for the Petitioners.

Mr. P.M. Palshikar for Respondent Nos. 3 to 6.

Mrs. M.S. Bane, AGP for State.

CORAM: G.S. KULKARNI, J.

DATED: 08th March, 2017

PC:-

1. None for the Petitioners. Even yesterday, when the matter was called out, neither the Petitioners nor the advocate for the Petitioners remained present. I have heard Mr. Palshikar, learned counsel for the Respondent Nos. 3 to 6. Mr. Palshikar, has drawn my attention to the subsequent developments which are contained in the affidavit in reply filed on behalf of Respondent no. 3. By an order dated 29th March,

2001, the Respondents were directed to pay to the petitioner wages quantified at the rate of Rs. 1900/- per month along with all the arrears within 4 weeks from the said order and also to pay thereafter every month at the rate which they are entitled to, on the same date as paid to the other employees. In para 2 of the order, it was recorded that, the issues as to whether the Petitioners are entitled to higher wages is an issue to be decided in the petition and another complaint which was pending and acceptance of the wages of Rs. 1900/- per month by the Petitioners will not stand either in their way in the pending Writ Petition or the other complaint which was pending. Mr. Palshikar has also drawn my attention to the impugned order dated 19th October, 2000, which in para 12 has made a specific reference to Complaint (ULP) No.571 of 1997 which pertains to the claim of the Petitioners for their demand for higher wages.

2. My attention is also drawn to an order dated 31st January, 2009 passed by the learned Member Industrial

Court on an application under section 50 as filed by the petitioners for recovery of wages as per the order dated 03rd November, 2004 passed in Complaint (ULP) No. 571 of 1997. By this order the application of the Petitioners came to be rejected. The Industrial Court in dismissing this application has recorded that, the Respondent-Employer have made payments to the Petitioners for three times and nowhere in the proceedings these facts have been denied by the Petitioners (applicants therein). It was also observed that, all the payments and the amounts which have been prayed are to be recovered from the respondents, and that it cannot be disputed that the Respondent-Employer has satisfied the claim of the Petitioners as per the directions issued by this Court and the Industrial Court in the respective proceedings.

3. My attention is also drawn to the fact that this order dated 31st January, 2009 passed by the Industrial Court has been challenged by the Petitioners in Writ Petition No.5627 of 2009. By an order dated 13th January, 2010 this Court (S.J.

Vazifdar, J. as the Lordship then was) in the order dated 13th January, 2010 recorded a submission on behalf of the Respondent-Employer that, as noted in para 2 of the order which were due and payable to the Petitioners and that the Respondent-Employer had no objection for making payment of the same. It was also recorded that this amount was offered to the Petitioners earlier and the Petitioners have refused to accept the same. Further statement on behalf of the Respondent-Employer that, the Respondents are willing to pay the amounts, which includes wages, mentioned in the table at Exhibit-1 to the affidavit in reply, without prejudice to the rights and contentions of all the parties was recorded.

4. Mr. Palshikar submits that, in view of these subsequent developments, the Petitioners may not be interested to pursue this Writ Petition which challenges the order dated 19th October, 2000 passed by the Industrial Court on the earlier complaint being Complaint (ULP) No.443 of 1998. He submits that, even on the earlier occasion when this

petition was called out for final hearing on 9th August, 2012, the Petitioners were not represented. The Court while adjourning the matter in the order dated 9th August, 2012 recorded a submission on behalf of the Respondent-Employer that, in view of the subsequent developments nothing would survive in this petition while accepting the reply affidavit filed on behalf of the Petitioners.

5. Considering the above circumstances, it appears that Mr. Palshikar is correct in his contention that, the Petitioners are not interested to pursue this petition and more so in view of the subsequent developments and the orders passed in different proceedings and as noted above. Resultantly, the petition does not warrant any further adjudication. Writ Petition is dismissed. No costs.

(G.S. Kulkarni, J.)