

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.11397 OF 2016

Trambak Sakaram Saundane & Others Petitioners
Vs.

Maharashtra State Co-operative
Agricultural Rural and Bahuuddeshiya
Development Bank Ltd. & Others Respondents

Mr. Satyajeet P. Dighe for the Petitioners.
Mr. P.G. Sawant, AGP, for Respondent Nos.3 to 6.
Dr. Rajashri Ahirrao, Tahsildar, Nashik, present.

CORAM: S.C. DHARMADHIKARI &
B.P. COLABAWALLA, JJ.

DATE : FEBRUARY 17, 2017

P.C:

1. Heard both sides. It is stated that a certificate for recovery in terms of Section 33C(1) of the Industrial Disputes Act, 1947 was issued but that is not being executed and enforced by the Collector, District Nashik and the amount stated therein is not recovered.

2. On the earlier occasion and even today morning, we

directed orally that instructions be given by the said Collector through a properly deputed official. Such order was passed on the earlier occasion. Today in the afternoon, on instructions, the AGP appearing on behalf of the Collector, District Nashik, makes a statement that the order dated 11-2-2010, passed by respondent No.3 has since been set aside by this Court, therefore, the recovery certificate cannot be executed and enforced. The Assistant Commissioner of Labour & Appropriate Authority, Nashik will have to now issue a fresh order. If the petitioners' counsel states, on instructions, that even if the earlier order of the Assistant Labour Commissioner was set aside and the matter was remanded, the Industrial Court having maintained its earlier finding and conclusion, then, it is incumbent upon the Appropriate Authority to issue a certificate afresh. Once that certificate and in terms of Section 33C(1) of the Industrial Disputes Act, 1947 is issued, then, all the authorities including the Revenue officials shall proceed to act in terms of the certificate. The amount then can be recovered from the defaulter and which is stated to be respondent Nos.1 and 2

to this writ petition. We grant liberty to the petitioners to seek such fresh certificate/order and thereafter proceed to apply to the Collector, District Nashik for recovery of the amount in terms of that certificate and in accordance with law.

3. Keeping all the contentions of both parties in that regard open, we dispose of this writ petition.

(B.P. COLABAWALLA, J.)

(S.C. DHARMADHIKARI, J.)