

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 15393 OF 2017
WITH CIVIL APPLICATION NO.268 OF 2017
WITH CIVIL APPLICATION NO.15394 OF 2017
IN WRIT PETITION NO. 2969 OF 2016
AND WRIT PETITION NO. 2969 OF 2016

M/S AMBAJI TRADING COMPANY
VERSUS
THE JALGAON DCC BANK LTD AND OTHERS

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Advocate for Applicant : Shri Thoke Dhananjay B.
Advocate for Respondent 1 : Shri Salunke V.D.
Advocate for Respondent 2 : Shri Choudhary A.B.
Advocate for Intervenor : Shri Thombre S.S.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: January 11, 2018

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PER COURT :-

1. On the last date, the learned counsel for the applicant has made it clear that Civil Application No. 15393 of 2017 seeking leave to intervene in the Writ Petition in the capacity of being the auction purchaser, was to arrive at an amicable settlement.
2. Learned Advocates for the contesting litigating sides in the Writ Petition submit that this application can be allowed as all the litigating sides have arrived at consent terms dated 6.1.2018, which are supported with verification of the litigating sides.

3. Shri Choudhary, learned Advocate for the P.F. Department submits that it is the paramount duty of the P.F. Department to ensure that the interest of the employees is secured. The P.F. dues, as per the directions of this Court, dated 11.1.2017, have been deposited in this Court on 11.10.2017, for an amount of Rs. Eleven Crores. He, however, adds that Appeal No. ATA 19(9) (Old), which is renumbered as CGIT/NAG/EPFA/244/2017-18, is pending with the CGIT, Nagpur. Whatever grievances that survive would now be dealt with by the competent authority in the pending proceedings. He submits that with this understanding, the proceedings can be disposed off in terms of the compromise.

4. Shri Thombre, learned Advocate submits that the employees' union has also filed Civil Application No. 15394 of 2017 seeking intervention as the whole dispute revolves around their P.F. claims. He submits that the amount deposited in this Court can be transferred to the P.F. authorities and the claims of the workers can be considered by the P.F. authorities.

5. This Court, by order dated 11.1.2017, had considered the rival contentions and had directed the appellate P. F. Tribunal at Delhi to decide the pending appeal on/or before 29.4.2017, since all disputes about the interest / penalty / damages with regard to the

delayed P. F. subscription would be decided and the shares of the employees would then be apportioned by the P. F. authorities. Since, administrative changes with regard to the jurisdiction to decide the P. F. appeals has taken place in 2017, pending Appeal at the appellate Tribunal has now been transferred to the CGIT, Nagpur.

6. Considering the above, Civil Application Nos.15393 of 2017 and 15394 of 2017 are allowed and the respective applicants are permitted to intervene in the Writ Petition. The compromise terms placed on record along with the verification (31 pages) are collectively marked as Exhibit "X" for identification.

7. In the light of the above, Writ Petition No.2969 of 2016 is disposed off in terms of the document / compromise terms (Exhibit "X"). Pending Civil Applications, which do not survive, stand disposed off.

8. Since the Union in C.A. No. 15394 of 1997 and the successful auction purchaser in C.A .No. 15393 of 2017 are allowed to intervene, it would be open for these parties to approach the CGIT, Nagpur and pray for addition in the cause title in the pending Appeal. Needless to state, considering the law laid down by this

Court in the cases of Hochtief Gammon Vs. Industrial Tribunal [AIR 1964 SC 1746] and Digambar Madye Vs. Union of India [2015 (II) CLR 540], the appellate authority, which is CGIT, Nagpur, would consider such applications expeditiously and as these parties have been allowed to intervene in the Writ Petition, it may consider allowing their applications. The pending Appeal shall, thereafter, be decided on its own merits as expeditiously as possible and preferably on/or before 15.7.2018.

9. During the pendency of the said appeal, if the Union, namely, Belganga Sahakari Sakhar Karkhana Employees' Union, makes a specific application to the CGIT with regard to outstanding dues, it may do so subject to proper description of the claims of the individual workers and state whether they would have a right to any share in the amounts recovered towards penalty / damages / interest. This aspect shall be dealt with by the CGIT along with the Appeal.

(RAVINDRA V. GHUGE, J.)

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