

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.1756 OF 2004

1. Nirmal Paper Industries,
A & P. Ranjankhol, Tal.Shrirampur,
Dist.Ahmednagar,
Through its Proprietor
Mr.S.R.Nirmal
2. Nirmal Paper Cone Industries,
MIDC Shrirampur,
Dist.Ahmednagar,
Through its Proprietor
Mr.J.R.Nirmal
3. Nirmal Paper Cone Producuts,
MIDC Shrirampur,
Dist.Ahmednagar,
Through its Proprietor
Mr.K.R.Nirmal
4. Nirmal Canvetors,
Survey No.121/2, A.Rajankhol,
Dist.Ahmednagar,
Through its Proprietor,
Mrs.V.S.Nirmal
5. Sarangdhar Ramchandra Nirmal,
Age-37 years, Occu-Business,
Rajankhol, Tal.Shrirampur,
Dist.Ahmednagar

– PETITIONERS

VERSUS

1. Suresh Dhondiba Dhokchavale,
Age-50 years,
Rajankhol, Tal.Shrirampur,
Dist.Ahmednagar.
2. Shivaji Shankar Dhokchavale,
Age-45 years,

Rajankhol, Tal.Shrirampur,
Dist.Ahmednagar

3. Shivaji Karbhari Shelake,
Age-37 years, Occu-Nil,
R/o Wakali, Tal.Shrirampur,
Dist.Ahmednagar
4. Vijaya Danial Tribhuvan,
Age-37 years, Occu-Nil,
Tilaknagar, Tal.Shrirampur,
Dist.Ahmednagar
5. Bhagwant Patingrao More,
Age-35 years, Occu-Nil,
R/o Khandala, Tq.Shrirampur,
Dist.Ahmednagar
6. Jyoti Madhukar Tribhuvan,
Age-33 years, Occu-Nil,
R/o Datta Nagar, Tilak Nagar,
Shrirampur, Tq.Shrirampur,
Dist.Ahmednagar
7. Balasaheb Vitthal Tekale,
Age-36 years, Occu-Nil,
Rajankhol, Tal.Shrirampur,
Dist.Ahmednagar
8. Balasaheb Shankar Amale,
Age-35 years, Occu-Nil,
R/o Gondegaon, Tq.Shrirampur,
Dist.Ahmednagar

– RESPONDENTS

Mrs.Renuka Ghule-Palve, Advocate for the petitioners.

(CORAM : RAVINDRA V. GHUGE, J.)

DATE : 21/03/2018

ORAL JUDGMENT :

1. The petitioners are aggrieved by the judgment and order dated 20/12/2003 by which application (IDA) Nos. 164/1995 to 174/1995, have been partly allowed and the petitioners are directed to pay retrenchment compensation / closure compensation to the said applicants.

2. Despite service of Court notice, none of the respondents have caused an appearance in this matter either in person or through an Advocate.

3. I have considered the submissions of the learned Advocate for the petitioners and have gone through the petition paper book.

3. The Labour Court has framed 7 issues out of which 1 issue is whether the applications filed by the applicants/workmen are maintainable and has answered the issue in the negative. Another issue that is framed is whether the petitions are barred by the principles of *res-judicata* and the answer is in the affirmative. The third issue is whether these workmen have a pre-existing right for acquiring monetary benefits and the answer is in the negative. The fourth issue is whether these workmen are entitled for monetary benefits as claimed by them and the answer is in the negative.

However, the Labour Court has partly allowed these applications and has directed payment of retrenchment / closure compensation.

4. When the applications filed by the workmen were held to be untenable, when these applications were barred by the principle of res-judiciata, when these workmen did not prove the right to monetary benefits, it is beyond comprehension as to how could the Labour Court allow these applications partly and direct payment of retrenchment/closure compensation. Learned Advocate for the petitioner / Management submits that petitioner Nos. 2 to 4 have permanently closed down on 20/01/1995 and petitioner No.1 has closed down on 01/02/1995. All these workmen were paid their full and final legal dues at the time of the closure and these workers have lost in litigation right upto the Hon'ble Apex Court which has dismissed their special leave petitions.

5. Considering the above, this petition is allowed in terms of prayer clause "C". Rule is made absolute accordingly.

(RAVINDRA V. GHUGE, J.)