

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 4673 OF 2011

M/s. Tilaknagar Industries Ltd.
At Post. Tilaknagar, Shrirampur,
Dist. Ahmednagar.

Versus

Shamshuddin Sikandar Shaikh (Died)
Through LR.s.

- 1-A. Bano Shamshuddin Shaikh,
- 1-B. Jameer Shamshuddin Shaikh,
- 1-C. Shabana Jalil Deshmukh,
- 1-D. Salma Altaf Pathan,
- 1-E. Inas Shakil shaikh,
- 1-F. Karishma Shaukat Patel,

All major, Occu. - Labour,
R/o. Ranjan Khole, Tq. Rahata,
Dist. Ahmednagar.

Advocate for Petitioner : Mr. V.P. Latange.
Advocate for Respondents : Mr. P.V. Barde.

CORAM : RAVINDRA V.GHUGE, J.
DATED : 10th August, 2018.

ORAL JUDGMENT :

1. On 03/08/2018, I had passed the following order after considering the request made by the learned advocate on behalf of the respondent/workman on instructions :

"1. Learned Advocate for the respondent/workman, who has passed away, submits that the petitioner/Management has deposited an amount of Rs.6,48,359/- out of which the respondent has already withdrawn Rs.2,25,000/-. He is willing to receive the residual amount and settle the matter.

2. Learned Advocate for the Management seeks time to take instructions and make a statement on 09/08/2018.

3. Stand over to 09/08/2018."

2. Inadvertently, the amount of Rs. 3,25,000/- withdrawn by the workman was wrongly mentioned as Rs. 2,25,000/- .

3. Learned advocate for the respondent/workman further submits on instructions today that a component towards accommodation rent would be Rs. 35,000/- and the Society charges would be about Rs. 85,000/-. The petitioner/Management can withdraw an amount of Rs. 1,20,000/- from this Court from the amount deposited by them and the remaining amount, along with accrued interest, can be taken by the L.R. of the respondent/workman as full and final settlement of the legal dues of the deceased workman.

4. The LR's of the deceased/workman are sought to be brought on record. Considering the purshis submitted on behalf of the L.R.s of the deceased/workman, the learned counsel for the petitioner is permitted to bring the LR's on record forthwith. Shri Barde, learned counsel

appears on behalf of the LR's. On instructions, he submits that respondent No. 1-A/Bano Shamsuddin Shaikh is the widow of the deceased and she be permitted to withdraw the amount from this Court.

5. Learned counsel for the petitioner has no objection and is agreeable on instructions that the petitioner would withdraw an amount of Rs. 1,20,000/- from this Court. His only request is that this shall amount to a full and final settlement of all legal dues, arising out of employment and non-employment of the deceased Shamsuddin. No, further, claims under any act or statute or provisions of law could be raised by any of the LR's before any Court or authority as the petitioner has agreed for a total comprehensive settlement package. Learned advocate for the LR's submits that the LR's are agreeable.

6. In view of the above, this petition is partly allowed. The impugned judgment of the Industrial Court dated 10/02/2011, delivered in Revision (ULP) No. 23/2009, and the judgment of the Labour Court dated 08/05/2009, delivered in Complaint (ULP) No. 10/2002, shall stand merged in this order which is as under :

(a) The deceased has already withdrawn an amount of Rs. 3,25,000/-.

(b) The petitioner/Management would withdraw an amount of Rs. 1,20,000/- from this Court.

(c) The remaining amount along with accrued interest shall be withdrawn by Smt. Banu Shamshuddin Shaikh from this Court as a comprehensive settlement package, by tendering an application identified by an advocate along with her recent photograph and a copy of her election commission Voter ID Card or Adhaar Card.

(d) By this comprehensive package, the LRs and any person/agent acting on behalf of the deceased respondent shall not be permitted to raise any claim against the petitioner which is likely to involve any financial burden, directly or indirectly, before any Court, authority or tribunal. If any such claim is raised, before entertaining of such a claim, respondent No. 1-A, will have to redeposit the entire amount withdrawn from this Court before the concerned authority/Court.

7. Rule is made partly absolute in the above terms.

(RAVINDRA V.GHUGE, J.)

S.P.C.