

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.**

WRIT PETITION NO. 4890 OF 2013

Deogiri Sahakari Sakhar Karkhana
Kamgar Union, Through its Secretary,
Laxman Uttamrao Jadhav.

Petitioner.

Versus

The State of Maharashtra and others.

Respondents.

Mr. S.S. Thombre, Advocate for petitioner.

Mr. M.M. Nerlikar, A.G.P. for State/respondent Nos.1 to 3.

Mr. K.J. Suryawanshi, Advocate for respondent No.6.

CORAM : **T.V. NALAWADE &
SUNIL K. KOTWAL, JJ.**

Dated : 26th March, 2018.

ORAL ORDER :-

. Learned Counsel Mr. K.J. Suryawanshi submits that he is filing appearance for respondent No.6.

2. The prayer is made by the petitioner, which is a Union of the Employees who were working in Respondent No. 5 Co-operative Sugar Factory, for the relief like direction to the Commissioner of

Sugar to sell movable property of the sugar factory like sugar bags and molasis for making payment of Provident Fund of the employees.

3. During argument, learned Counsel Mr. Thombre submitted that even the salary is not paid for years together by respondent No. 5-Sugar Factory. The submissions made show that at present a Liquidator is there and he has control over the Sugar Factory. The submissions made show that the petitioner has not approached the Authority created by the Provident Fund Act. When there is Liquidator, the Liquidator is expected to prepare a priority list and he attempts to discharge the liability of the factory as per priority list. This Court cannot give direction directly when the Liquidator is there. Further, if there is grievance in respect of non payment of provident fund, that matter needs to be taken before the Authority created under the Provident Fund Act. The said Authority is competent to take steps which includes passing of order and even seizure of the property of Sugar Factory. In that case, when there is an order of seizure and the priority given in law is not followed, there is always an opportunity to the employees to come to this Court on that ground. Before that this Court is not expected to consider the claim of the aforesaid nature.

4. So, the Writ Petition is disposed of with the aforesaid opportunity.

(SUNIL K. KOTWAL)
JUDGE

(T.V. NALAWADE)
JUDGE

vdd/