

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 1144 OF 2017

DEVIDAS RAMA PHADTE.,

... Petitioner

Versus

THE DISTRICT COLLECTOR AND
DISTRICT MAGISTRATE, MUMBAI AND 3
ORS.,

... Respondents

Mr. Arunkumar V. Nigalye, Advocate for the Petitioner.
Mr.D.Lawande, AG with Mr.A.Prabhudessai, AGA for
Respondent Nos.1 to 4.

Coram:- N. M. JAMDAR &
PRITHVIRAJ K. CHAVAN, JJ.

Date:- 27th February 2018

P.C.

The Petitioner has filed this petition for a direction to Respondent nos.1 to 4 to proceed as per the Recovery Certificates dated 26 April 2016.

2. We have heard the learned counsel for the Petitioner and the learned Advocate General for Respondent Nos.1 to 4.

3. It appears from the averments in the petition that the Petitioner was employed on the barges of Respondent nos.2 and 3 as a driver and he retired from the services on 13 October 2007. Since he had not paid his dues, he has made application under Section 33-C (2) of the Industrial Disputes Act, 1947 and

the learned Labour Court by its judgment and order dated 26 June 2012 directed Respondent no.3 to pay the amount to the petitioner. The another order was also passed by the Controlling Authority under the Payment of Gratuity Act, 1972 on 13 September 2012. Recovery Certificates in respect of both these amounts have been issued. It is the grievance of the Petitioner that these Certificates have not been pursued further by the Authorities. The Recovery Certificates are annexed to the petition.

4. If the Recovery Certificates are validly issued and proceeding, is indeed unfortunate that the Petitioner Workman has approached to this Court only for getting the amount due to him under the legitimate Recovery Certificates. The Respondents-Authorities will take necessary steps as per law in furtherance of the Recovery Certificates within a period of six weeks. Copy of the order be sent to the authorities forthwith.

5. The writ petition is accordingly disposed of.

PRITHVIRAJ K. CHAVAN, J.

N. M. JAMDAR, J.