

JPP

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION***

WRIT PETITION NO.2226 OF 2008

Citizen Transport Company.

... Petitioner.

V/s.

The Railway Goods Clearing
and Forwarding Establishment

Labour Board for Greater Bombay & Ors.

... Respondents.

with

***WRIT PETITION NO. 6393 OF 2017
(APPELLATE SIDE)***

Akhil Bharatiya Mathadi Transport &
General Kamgar Union and Anr.

... Petitioners.

V/s.

The Railway Goods Clearing
and Forwarding Establishment

Labour Board for Greater Bombay & Ors.

... Respondents.

Mr. Avinash Jalisatgi I/b. Mr. Siddharth Ingule for the Petitioner in
O.S. WP 2226/08.

Mr. Laxman S. Deshmukh for the Petitioner in A.S. WP 6393/17.

Mr. Sanjay P. Shinde for Respondent No.1 in both Petitions.

Mr. Sandip Babar, AGP for the State in A.S. WP 6393/17.

***CORAM : R.M. Borde and
V.M. Deshpande, JJ.***

DATE : 23rd July, 2018.

P.C. :-

These Petitions can be disposed of in view of the settlement arrived at between the parties i.e. the Petitioner – Employee in Writ Petition No.2226 of 2008 and the Union which has presented a separate Writ Petition No. 6393 of 2017. There is no dispute as regards the factual aspect that the Petitioner in Writ Petition No. 2226 of 2008 were saddled with the liability to pay Rs.43,11,842/- towards the wages and levy by the Respondent No.1 – Board. The amount directed to be deposited by the Petitioner is towards the wages of workers and levy payable to Board. By virtue of an order passed in Writ Petition (Lodg.) No. 1492 of 2008 Citizen Transport Company v/s. The Railway Goods Clearing and Forwarding Establishments Labour Board for Greater Bombay and others, the Division Bench of this Court directed, in view of the admission of the Petitioner – employer, to deposit Rs.35.00 lakhs with the Prothonotary & Senior Master of this Court within a period of eight weeks from today i.e. 19th June 2008. It is further directed that the amount deposited shall be invested in the Nationalised Bank for a period of three years initially and the same shall be re-invested on completion of period of three years on year to year basis until final disposal of the Petition. It has been pointed out that the

Petitioner has deposited amount as directed by the High Court.

2. During the pendency of the Petition, the employer and the Union, i.e. Akhil Bharatiya Mathadi Transport & General Kamgar Union have arrived at a settlement and the terms of settlement have been placed on record of the Writ Petition presented by the Employees' Union bearing Writ Petition No. 6393 of 2017. It is specifically contended by the Petitioner – Union that it represents the interest of all the workers employed by the employer who are entitled to claim the benefits of wages under the orders passed by the Board and there is no controversy in that regard. In terms of the settlement, it is agreed that all the claims, dues and disputes of the concerned employees vis-a-vis the employer regarding the wages and other benefits for the relevant period is fully and finally settled at Rs.15,00,000/-. It is also further recorded that no claim will be raised in respect of levy amount. However, the employer shall pay to the Board administrative charges payable at 3%, which amount comes to Rs.90,462/-. The Board has no serious objection for enforcement of the terms of settlement since the employees' union and employer has amicably settled their differences.

3. In this view of the matter, we declare that the employer would be entitled to withdraw the amount deposited in this Court

together with the interest accrued thereon except an amount of Rs.15,00,000/- plus a sum of Rs.90,462/- which shall be transmitted to the account of the Board. The Board shall inform the Account Number to the Registry of the Office and Registry of the Office shall transmit the amount in said account as recorded above. Out of the amount to be transferred to the account of the board, amount of Rs.15,00,000/- shall be disbursed to the concerned eligible workers and it would be the responsibility of Board to determine the entitlement of each of the worker. The balance amount shall be appropriated by the Board. The amount receivable by employer, shall be paid to employer without any pre-condition.

4. In view of the directions as above, both the Writ Petitions are disposed of. Rule is discharged.

(V.M. Deshpande, J.)

(R. M. Borde, J.)

Jyoti
Prakash
Pawar

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by Jyoti
Prakash Pawar
Date:
2018.08.03
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