

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.4962/2015

The Sub-Divisional Engineer, Irrigation Sub-Division, Tirora, Distt. Gondia and
others

..Vs..

Gunilal Mahadu Bisen and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri S.G. Jagtap, Advocate for the petitioners.

Shri P.S. Tidke, Advocate for respondent Nos.1, 2, 3(a), 3(c), 3(f), 3(e), 4
to 6, 8, 9(a), 9(d), 9(e), 10(a), 10(b), 10(e) 11, 12 to 18.

Ms. H.N. Prabhu, A.G.P. for respondent Nos.19 and 20.

CORAM : Z.A. HAQ, J.

DATE : 25.1.2018.

Heard.

The respondents / employees approached the Labour Court by an application under Section 33C(2) of the Industrial Disputes Act complaining that though in Complaint ULP No.1341/1994 the employer is directed to bring the concerned employees on CRTE from the date on which they completed 5 years of service and to make available to them all the benefits of CRTE, the employer was not making available all the monetary benefits to those employees. The Labour Court, after conducting the trial, has found that the complaint of the employees is justified. The Labour Court has directed the employer to pay the amount, as specified in the impugned order, to the concerned employees.

The above order is challenged by the employer in this writ petition substantially on the ground that the Industrial Court had not issued any directions to the employer to pay the difference of amount as claimed by the employees. It is further submitted that the employees have not placed any material on record to show that during the period of earlier 5 years, they had worked on all the dates throughout the year.

The first submission made on behalf of the petitioners cannot be accepted as the order passed by the Industrial Court in ULP No.1341/1994 and connected matters is very clear on the point that the employer should make available all the monetary benefits to the concerned employees by bringing them on CRTE after completion of 5 years.

The other submission made on behalf of the petitioners also cannot be accepted as in the order passed in Complaint ULP No.1341/1994, the same point was raised on behalf of the employer and issue / point No.2 was framed and answered against the employer.

After examining the material placed on record, I find that the order passed by the Labour Court is justified and proper. The petitioners have not been able to point out any patent illegality or perversity in the impugned order which necessitates interference by this Court in the extra-ordinary writ jurisdiction. The writ petition is **dismissed**. In the circumstances, the parties to bear their own costs.

The learned Advocate for the respondents /

employees has complained that the concerned employees are suffering from extreme hardships and are being denied their legitimate claim though they are pursuing the matter for almost 29 years.

The petitioners shall pay the amount to the concerned employees as per the impugned order till 15th May, 2018, failing which the petitioners shall be liable to pay interest on the amount at the rate of 9% per annum, the interest being chargeable from 1st September, 2002 i.e. immediately after the order was passed in ULP No.1341/1994, till the amount is paid.

JUDGE

Tambaskar.