

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 4492 OF 2016

(Amrut s/o Devrao Sambare vs. The District Collector, Buldana & Ors.)

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

Court's or Judge's orders.

**CORAM : B.P. DHARMADHIKARI &
ARUN D. UPADHYE, JJ.
MARCH 28, 2018.**

Heard Shri P.S. Kshirsagar, learned counsel for the petitioner, Ms. A.R. Kulkarni, learned AGP for respondent Nos. 1, 2, 4 & 5, Shri Rohit Joshi, learned counsel for respondent No. 3, Shri A.J. Thakkar, learned counsel for respondent Nos. 6, 9, 11, 13, 14, 15 & 19, Shri A.A. Naik, learned counsel for respondent Nos. 8, 16, 17, 18, 20, 21 & 22 and Shri A.P. Chawre, learned counsel for respondent No. 10.

2. This Court, after hearing all the concerned, passed speaking orders on 06.11.2017, 05.12.2017 and 27.02.2018. The matter was lastly heard on 13.03.2018. Today, it is not in dispute that the direction to deposit 50% of the amount due and payable to workers in recovery proceedings under Section 33(C)(1) of the Industrial Disputes Act, 1947, has not been complied with by the State Government but that amount is deposited by lessee of Sutgirni with the Sub-Divisional Officer and the Sub-Divisional Officer in turn has made it over to the Registry of this Court.

3. The understanding between lessee, who has parted with this amount and Sutgirni, is that lessee shall deduct the amount deposited by him through monthly lease money payable by it to Sutgirni.

4. It is also not in dispute that remaining amount is recovered in proceedings under Section 33(C)(1) of the Act, by the Tahsildar and he has thereafter made it over to respondent No. 4 – Assistant Commissioner of Labour at Akola.

5. Shri Kshirsagar, learned counsel for the petitioner states that the entire amount of the petitioner is secured and if this Court permits, they can withdraw it as per their entitlement.

6. The respective counsel for the respondents have no objection, if the eligible workers are permitted to withdraw the amount as per their entitlement.

7. The learned AGP informs that a show cause notice issued by the State Government on 09.01.2017 to the Sub-Divisional Officer through Shri Wankhede, as per observations of this Court in its order dated 06.11.2017.

8. In this situation, we find that the grievance of the petitioner is redressed and the State Government is proceeding further with action against Shri Wankhede.

9. We direct the State Government to complete action against Shri Wankhede, within a period of next four months and respondent No. 1 – Collector, Buldana, shall file appropriate affidavit thereafter with the Registry of this Court. Failure to do so shall constitute Contempt of Court.

10. The respondents in whose favour recovery

proceedings under Section 33(C)(1) were undertaken, to withdraw their respective amount as per their entitlement from the office of Respondent No. 4.

11. The Registry of this Court is directed to make over the amount deposited with it to respondent No. 4 within three months from today.

12. Respondent No. 4 shall pay amount only through A/c Payee cheque to respective labours as per their eligibility and entitlement within next four weeks.

13. With these directions, we partly allow the present writ petition and dispose it of. However, in the facts and circumstances of the case, there shall be no order as to costs.

JUDGE

JUDGE

*GS.