

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.2546 OF 2018
(Shri P.K.Anna Patil Janata Sahakari Bank Limited, Nandurbad Vs.
Narayan Zopa Patil and others)
WITH
WRIT PETITION NO.3077 OF 2019
WITH
WRIT PETITION NO.3078 OF 2019
WITH
WRIT PETITION NO.3079 OF 2019
WITH
WRIT PETITION NO.3080 OF 2019
WITH
WRIT PETITION NO.3081 OF 2019

Mr.V.D.Hon, Sr.Counsel h/f Mr.A.V.Hon, Advocate for the petitioner.
Mr.S.S.Patil, Advocate for the respondent.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 04/03/2019

PER COURT :

1. On 11/02/2019, I had passed the following order :-

“1. The petitioner is aggrieved by the judgment and order dated 03.01.2018, passed by the Labour Court, Dhule, by which, Applications filed under section 33 C (2) of the IDA Act, 1947, have been decided.

2. I have find that the petitioner/Management has filed a single Writ Petition for challenging the judgment and orders passed in six proceedings before the Labour Court.

3. In view of the above, this petition is being entertained only to

the extent of respondent No. 1 Narayan Zopa Patil, involved in Application IDA No. 11 /2016. This petition would not be entertained for respondent Nos. 2 to 15 as the petitioner will have to file one Writ Petition in each of the proceedings before the Labour Court.

4. As such, respondent Nos. 2 to 15 stands deleted from this proceedings with liberty to the petitioner to file independent Writ Petitions containing only the memo of the petition, as all documents relevant to the matters are annexed to this petition.

5. In view of the above, this petition be listed on 27.02.2019, in the urgent admissions category. In the meanwhile, the petitioner can enter independent Writ Petitions in so far as other labour proceedings are concerned and these matters can then be circulated on 27.02.2019, to be taken up together.”

2. Pursuant to the above, the petitioner has complied with the directions of this Court and has filled the remaining writ petitions.

It is, however, pointed out by the learned Senior Advocate that in Application (IDA) No.11/2016, there were 10 applicants. Respondent Nos.1 to 10 are those applicants.

3. In view of the above, the earlier direction in paragraph No.3 shall stand corrected to indicate that the first writ petition in relation to Application (IDA) No.11/2016 would be with reference to respondent Nos. 1 to 10. As such, the said petition is restored to the

extent of respondent Nos. 2 to 10. Office shall note the said correction.

4. I have considered the strenuous submissions of the learned Senior Advocate on behalf of the petitioner/Management and the learned Advocate on behalf of the respondents. I have perused the record available and the impugned judgments with their able assistance.

5. The record very clearly reveals that when the petitioner dispensed with the services of these respondents by passing a resolution in the meeting of the Board of Directors, these respondents were not granted the retrenchment compensation under Section 25-F of the I.D.Act. These petitioners had litigated against their retrenchment by preferring ULP Complaint Nos.33/2011 to 42/2011, 45/2011 and 46/2011. They suffered an adverse judgment at the hands of the Labour Court and preferred Revision (ULP) Nos. 23/2012 to 34/2012. These revision petitions were also rejected by the Industrial Court u/s 44. These petitioners approached this Court in WP Nos.6464/2014 and 6890/2014. By judgment dated 01/10/2015, the petitions were partly allowed and these workers were granted retrenchment compensation alongwith

simple interest, if the amount was not paid within 6 months. It is in this backdrop that these workers had approached the Labour Court seeking recovery of such dues from the petitioner / employer u/s 33-C(2) of the I.D.Act, 1947.

6. On perusal of the detailed reasons assigned by the Labour Court, calculating the retrenchment compensation to be paid, it appears that by taking into account the attending circumstances, has granted the compensation amounts to these workers with interest. Having considered the extensive judgment of the Labour Court in which it has dealt with all the issues raised and has also granted additional interest from the date of the impugned judgment, which is 3/1/2018, keeping in view that these workers have been dragged into litigation, that I do not find that the reasons assigned by the Labour Court and the conclusions drawn could be termed as being perverse, erroneous or likely to cause gross injustice to the Management. Keeping in view the law laid down by the Hon'ble Apex Court in the Matter of Syed Yakoob Vs.K.S.Radhakrishnan and others [AIR 1964 SC 477] and Surya Dev Rai Vs. Ram Chander Rai [2003(6) SCC 682], no interference is called for in the impugned judgments.

7. As such, these petitions, being devoid of merit, are therefore dismissed.

(Ravindra V.Ghuge, J.)