

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

918 CIVIL APPLICATION NO.3780 OF 2019
WITH
CIVIL APPLICATION NO. 4390 OF 2018
IN WRIT PETITION NO. 2512 OF 2018

SAYYED AHEMAD SAYYED HAFIJODDIN AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Applicants : Shri Patil Indrale A.V.
AGP for Respondents : Shri Munde S.W.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: April 05, 2019

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PER COURT :-

1. The learned AGP rightly submits that Section 17B of the Industrial Disputes Act, 1947 will not have its applicability since all these applicants, who are represented by the Union but have moved this application in their individual capacity, have attained the age of superannuation. He, however, prays for interim relief as against the impugned award of the Industrial Tribunal dated 31.3.2017, passed in Reference (IDA) No.1 of 2009.

2. Learned Advocate for the applicants, who are represented in the original proceedings by the Union, opposes the said request on the ground that the applicants are all senior citizens who have attained the age of superannuation and their benefits consequential to regularization have not been paid by the petitioner / State. He further submits that

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there is no interim relief granted by this Court for the last 16 months.

3. Considering the above, the first Civil Application No. 3780 of 2019 is partly allowed.

4. The petitioner / State shall calculate the arrears of benefits pursuant to the impugned award dated 31.3.2017 and deposit the said arrears in this Court, on/or before 14.6.2019. On the condition of such deposit, the employees would not resort to coercive steps or execution proceedings for seeking implementation of the impugned award.

5. The Second Civil Application No.4390 of 2018 is allowed and the three applicants are permitted to be arrayed as respondent Nos.2 to 4. Similar liberty is granted to the applicants in the First Application to make a formal request for being arrayed as defendant in the Writ Petition.

6. List Writ Petition No.2512 of 2018 for a hearing at admission stage on 19.6.2019.

(RAVINDRA V. GHUGE, J.)

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