

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.6990 OF 2018
WITH
WRIT PETITION NO.7010 OF 2018

WOCKHARDT LIMITED AURANGABAD
VERSUS
WOCKHARDT EMPLOYEES UNION

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Advocate for Petitioner : Shri Marlapalle Y.R.
Advocate for Respondent 1 : Shri Thole Yatin I.
AGP for Respondent 2 : Shri Yadav (Lonikar) S.R.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: April 15, 2019

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PER COURT :-

1. On 9.4.2019, when the matter was heard, this Court had expressed a view that the management may accommodate the concerned workers or deposit their wages from January 2019 to April 2019 in the Industrial Court. The Industrial Court could decide the ULP Complaint No. 340 of 2017 on/or before 31.10.2019 and further monthly wages could be deposited on each pay date in the Court.

2. Learned Advocate for the management, submits on instructions, that there are 12 workers, who, according to their records, are members of the Union and there are two more workers, who have resigned from the Union. The management would deposit

the wages for all these 14 workers in the Industrial Court. They may withdraw the salary for April 2019 and continue to withdraw monthly salary from May 2019 till 31.10.2019. The wages for the period January to March 2019 would be subject to the result of the ULP Complaint. It is further stated that the management, being original respondent before the Industrial Court, would work out the complaint even during the two weeks of sitting / availability of the Industrial Court at Aurangabad in May, 2019.

3. Learned Advocate for the Union is agreeable to this suggestion and submits that the two workers, who appeared to have resigned from the Union, have withdrawn their resignations and they continue to be a part of the Union.

4. In view of the above, both these petitions are disposed off. The impugned interlocutory orders would merge in the following directions:-

(A) The management shall deposit the monthly wages of the concerned 14 workers for the period January to April 2019, by 25.4.2019 in the Industrial Court.

(B) The concerned 14 workers would withdraw the wages

for the month of April 2019, without conditions.

(C) For the wages payable on the pay day in the month of May 2019 and onwards till 31.10.2019, shall be deposited by the management before the Industrial Court on each pay day of the month beginning from 7.5.2019.

(D) The 14 workers would withdraw their monthly wages from May 2019 till October, 2019.

(E) The Industrial Court shall decide Complaint (ULP) No.340 of 2017 as expeditiously as possible and in any case on/or before 31.10.2019.

(F) Since the Industrial Court has a vacations in the month of May and if available for a period of two weeks in this period of vacation, considering that the learned Advocates and the litigating parties are willing to work on such date, the Industrial Court would list Complaint (ULP) No.340 of 2017 in this period of two weeks, even on day to day basis, if convenient to all the sides, so as to enable them to work out this case between 11.00 am to 2.00 pm.

(G) The issue of payment of bonus, is left to the Industrial Court to consider while deciding the complaint in the light of the contention of the Union that the management has agreed to pay the bonus vide their affidavit-in-reply and the counter by the management that the said statement was made only to facilitate a settlement between the parties.

(H) In so far as the claim for backwages are concerned, during the subsistence of the interim order, the Industrial Court is at liberty to deal with that aspect considering the contentions of the rival parties.

(RAVINDRA V. GHUGE, J.)

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