

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

908 WRIT PETITION NO.6258 OF 2019

SUBHEDAR RAMJI AMBEDKAR VIDYARHITHI VASTIGRAHA
PRABHATNAGAR NANDED
VERSUS
AJAY MADHUKAR HANKARE AND OTHERS

**WITH
912 WRIT PETITION NO.6270 OF 2019**

SUBHEDAR RAMJI AMBEDKAR VIDYARHITHI VASTIGRAHA
PRABHATNAGAR NANDED
VERSUS
MANOHAR SHANKAR SURYAWANSHI AND OTHERS

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Advocate for the Petitioner : Shri V. J. Dhage
Advocate for the Respondents : Shri A. N. Sabnis h/f.
Ms. R. P. Gour

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CORAM : RAVINDRA V. GHUGE, J.

DATED : 04th JUNE, 2019.

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PER COURT :

1. The learned Advocate for the petitioner Management submits that these petitions have been filed for a limited purpose keeping in view the order passed by this Court on 01/03/2019 in Writ Petition Nos. 1335/2014 and 1353/2014, which are similar matters.

2. It is pointed out that this Court had issued certain directions in paragraph 9 and had given a time schedule to the Management. The charge-sheet, to be served on the respondent employees herein, was to be tendered in the Labour Court on or before 05/04/2019. The Management had faltered at the very first stage and the charge sheet has not been filed. Consequentially, the respondent employees had no occasion to file their explanation to the charge sheet.

3. The learned Advocate, appearing on instructions from the respondent employees, submits that time may be extended and the schedule may be modified subject to imposing costs as these respondents employees are without employment after their alleged illegal termination orally effected in 2009.

4. I find that I had issued directions in paragraph 9 of the order dated 01/03/2019, which read as under :-

"a) The employer would be at liberty to frame a charge sheet cum show cause notice in accordance with law applicable and file it in the Labour Court on or before 5.4.2019.

b) Both the original complainants shall tender

their reply to the said charge sheet on or before 22.4.2019.

c) The employer is at liberty to produce all such documents as advised, before the Labour Court along with the list of witnesses on or before 3.6.2019.

d) Same liberty is granted to the complainants to produce their documents and list of witnesses on or before 29.6.2019.

e) The Labour Court shall then permit the employer to commence recording of evidence to prove the charges against the complainants.

Needless to state that, after recording of the evidence is closed, the complainants would be at liberty to lead their evidence in rebuttal.

f) The labour Court would be at liberty to frame an issue as to whether the complainants are 'workman' and decide all issues together.

g) The Labour Court shall decide the proceedings expeditiously."

5. I can see that the above directions were issued in order to ensure early disposal of the matter keeping in view that the respondents are unemployed for the last about 10 years. On account of the laxity on the part of the Management, even the charge-sheet was not filed as per the schedule.

6. In view of the above, these two petitions are partly allowed. The directions in paragraph 9 of the order dated 01/03/2019 stand modified as under :-

"a) The employer would be at liberty to frame a charge sheet cum show cause notice in accordance with law applicable and file it in the Labour Court, on or before 11/06/2019.

b) Both the original complainants shall tender their reply to the said charge sheet on or before 28/06/2019.

c) The employer is at liberty to produce all such documents as is advised, before the Labour Court along with the list of witnesses, on or before 31/07/2019.

d) Same liberty is granted to the complainants to produce their documents and list of witnesses, on or before 14/08/2019.

e) The Labour Court shall then permit the employer to commence the recording of evidence to prove the charges against the complainants.

Needless to state that, after recording of the evidence is closed, the complainants would be at liberty to lead their evidence in rebuttal.

f) The labour Court would be at liberty to frame an issue as to whether the complainants are 'workman' and decide all issues together.

g) The Labour Court shall decide the proceedings

expeditiously."

7. It is made clear that if the Management fails to abide by the schedule directed above, there shall be no liberty to the management to seek enlargement of time, even under Section 148 of the Code of Civil Procedure.

8. The Management shall deposit an amount of Rs.10,000/- in each of these matters before the Labour Court in order to soften the rigors of litigation being suffered by the respondents employees. The said amount shall be deposited before the Labour Court on or before 28/06/2019 and the respondents employees will be at liberty to withdraw their individual amount of Rs. 10,000/- without conditions.

(RAVINDRA V. GHUGE, J.)

shp/-