

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

908 WRIT PETITION NO.7956 OF 2018

Khandu Dadarao Bansode,
Age : 63 years, Occu.: Retired,
R/o.: LIC Colony, Ring Road,
Near Vishal School, Latur,
District Latur

.... PETITIONER

VERSUS

1. The Chairman,
Osmanabad Janta Co-operative Bank Ltd.,
Head Office, Main Road,
Osmanabad.
2. The Managing Director,
Osmanabad Janta Co-operative Bank Ltd.,
Head Office, Main Road,
Osmanabad.

.... RESPONDENTS

**WITH
WRIT PETITION NO.7957 OF 2018**

Gorakh Sambhaji Kamble,
Age : 65 years, Occu.: Retired,
R/o.: Maharana Pratap Nagar,
Nanded Raod, Latur

.... PETITIONER

VERSUS

1. The Chairman,
Osmanabad Janta Co-operative Bank Ltd.,
Head Office, Main Road,
Osmanabad.
2. The Managing Director,
Osmanabad Janta Co-operative Bank Ltd.,
Head Office, Main Road,
Osmanabad.

.... RESPONDENTS

**WITH
WRIT PETITION NO.7958 OF 2018**

Janardhan Ambadas Kurulkar,
Age : 60 years, Occu.: Retired,
R/o.: Near Shantiniketan Temple,
Shrinagar, Barshi Road, Latur PETITIONER

VERSUS

1. The Chairman,
Osmanabad Janta Co-operative Bank Ltd.,
Head Office, Main Road,
Osmanabad.
2. The Managing Director,
Osmanabad Janta Co-operative Bank Ltd.,
Head Office, Main Road,
Osmanabad. RESPONDENTS

**WITH
WRIT PETITION NO.7959 OF 2018**

Arvind Vamanrao Patil,
Age : 64 years, Occu.: Retired,
R/o.: Bishen Nagar, New Renapur Naka,
Latur, District : Latur PETITIONER

VERSUS

1. The Chairman,
Osmanabad Janta Co-operative Bank Ltd.,
Head Office, Main Road,
Osmanabad.
2. The Managing Director,
Osmanabad Janta Co-operative Bank Ltd.,
Head Office, Main Road,
Osmanabad. RESPONDENTS

**WITH
WRIT PETITION NO.7960 OF 2018**

Dilip Shesherao Vishwase,
Age : 62 years, Occu.: Retired,
R/o.: Solapure Nagar, Takli Road,
Pandharpur, District : Solapur PETITIONER

VERSUS

1. The Chairman,
Osmanabad Janta Co-operative Bank Ltd.,
Head Office, Main Road,
Osmanabad.
2. The Managing Director,
Osmanabad Janta Co-operative Bank Ltd.,
Head Office, Main Road,
Osmanabad. RESPONDENTS

**WITH
WRIT PETITION NO.7961 OF 2018**

Narayan Jyotiba Magar,
Age : 62 years, Occu.: Retired,
R/o.: Magar Nivas, Sant Gorobakaka,
Nagar, Sanja Road, Osmanabad PETITIONER

VERSUS

1. The Chairman,
Osmanabad Janta Co-operative Bank Ltd.,
Head Office, Main Road,
Osmanabad.
2. The Managing Director,
Osmanabad Janta Co-operative Bank Ltd.,
Head Office, Main Road,
Osmanabad. RESPONDENTS

**WITH
WRIT PETITION NO.7962 OF 2018**

Mangesh Ganpatrao Akade,
Age : 62 years, Occu.: Retired,
R/o.: Sadguru Krupa Nivas, Mantri
Nagar, Latur, District : Latur PETITIONER

VERSUS

1. The Chairman,
Osmanabad Janta Co-operative Bank Ltd.,
Head Office, Main Road,
Osmanabad.
2. The Managing Director,
Osmanabad Janta Co-operative Bank Ltd.,
Head Office, Main Road,
Osmanabad. RESPONDENTS

**WITH
WRIT PETITION NO.7963 OF 2018**

Vilash Dattopant Ingole,
Age : 63 years, Occu.: Retired,
R/o.: Jawahar and Shastri Nagar,
Omerga, Tq. Omerga,
District : Osmanabad PETITIONER

VERSUS

1. The Chairman,
Osmanabad Janta Co-operative Bank Ltd.,
Head Office, Main Road, Osmanabad.
2. The Managing Director,
Osmanabad Janta Co-operative Bank Ltd.,
Head Office, Main Road,
Osmanabad. RESPONDENTS

**WITH
WRIT PETITION NO.7964 OF 2018**

Chandrakant Vasant Pathrudkar,
Age : 64 years, Occu.: Retired,
R/o.: Siddeshwar Nagar, Kasarwadi,
Road, Osmanabad PETITIONER

VERSUS

1. The Chairman,
Osmanabad Janta Co-operative Bank Ltd.,
Head Office, Main Road,
Osmanabad.
2. The Managing Director,
Osmanabad Janta Co-operative Bank Ltd.,
Head Office, Main Road,
Osmanabad. RESPONDENTS

**WITH
WRIT PETITION NO.7965 OF 2018**

Dinkar Vinayak Prayag,
Age : 68 years, Occu.: Retired,
R/o.: Tilak Nagar, Latur,
District : Latur PETITIONER

VERSUS

1. The Chairman,
Osmanabad Janta Co-operative Bank Ltd.,
Head Office, Main Road,
Osmanabad.
2. The Managing Director,
Osmanabad Janta Co-operative Bank Ltd.,
Head Office, Main Road,
Osmanabad. RESPONDENTS

**WITH
WRIT PETITION NO.7966 OF 2018**

Vyankat Nagnath Devkate,
Age : 65 years, Occu.: Retired,
R/o.: H. NO. 847/51, Upali Road,
Barshi, District : Solapur PETITIONER

VERSUS

1. The Chairman,
Osmanabad Janta Co-operative Bank Ltd.,
Head Office, Main Road,
Osmanabad.
2. The Managing Director,
Osmanabad Janta Co-operative Bank Ltd.,
Head Office, Main Road,
Osmanabad. RESPONDENTS

**WITH
WRIT PETITION NO.7967 OF 2018**

Shrimant Tulshiram Kachhawe,
Age : 62 years, Occu.: Retired,
R/o.: Kokanga, Tq. Ahmedpur,
District : Latur PETITIONER

VERSUS

1. The Chairman,
Osmanabad Janta Co-operative Bank Ltd.,
Head Office, Main Road,
Osmanabad.
2. The Managing Director,
Osmanabad Janta Co-operative Bank Ltd.,
Head Office, Main Road,
Osmanabad. RESPONDENTS

**WITH
WRIT PETITION NO.7968 OF 2018**

Subhash Jivandhar Deshmane,
Age : 65 years, Occu.: Retired,
R/o.: 26/243 "Kuldeep", Bank Colony,
Osmanabad. PETITIONER

VERSUS

1. The Chairman,
Osmanabad Janta Co-operative Bank Ltd.,
Head Office, Main Road,
Osmanabad.
2. The Managing Director,
Osmanabad Janta Co-operative Bank Ltd.,
Head Office, Main Road,
Osmanabad. RESPONDENTS

**WITH
WRIT PETITION NO.7969 OF 2018**

Subhash Shamrao Landge,
Age : 64 years, Occu.: Retired,
R/o.: Jijamata Nagar, Near Post Office,
Tuljapur, District : Osmanabad PETITIONER

VERSUS

1. The Chairman,
Osmanabad Janta Co-operative Bank Ltd.,
Head Office, Main Road,
Osmanabad.
2. The Managing Director,
Osmanabad Janta Co-operative Bank Ltd.,
Head Office, Main Road,
Osmanabad. RESPONDENTS

**WITH
WRIT PETITION NO.7970 OF 2018**

Sadashiv Madhavrao Bache,
Age : 65 years, Occu.: Retired,
R/o.: Shivparvati Nivas, Keshav Nagar,
Ambajogai Road, Latur PETITIONER

VERSUS

1. The Chairman,
Osmanabad Janta Co-operative Bank Ltd.,
Head Office, Main Road,
Osmanabad.
2. The Managing Director,
Osmanabad Janta Co-operative Bank Ltd.,
Head Office, Main Road,
Osmanabad. RESPONDENTS

**WITH
WRIT PETITION NO.7971 OF 2018**

Janardhan Atmaram Garad,
Age : 60 years, Occu.: Retired,
R/o.: Sanja Chowk, Osmanabad,
District : Osmanabad PETITIONER

VERSUS

1. The Chairman,
Osmanabad Janta Co-operative Bank Ltd.,
Head Office, Main Road,
Osmanabad.
2. The Managing Director,
Osmanabad Janta Co-operative Bank Ltd.,
Head Office, Main Road,
Osmanabad. RESPONDENTS

**WITH
WRIT PETITION NO.7972 OF 2018**

Jagannath Dattatraya Sadaphule,
Age : 58 years, Occu.: Retired,
R/o.: Diksal, Tq. Kalam,
District : Osmanabad PETITIONER

VERSUS

1. The Chairman,
Osmanabad Janta Co-operative Bank Ltd.,
Head Office, Main Road,
Osmanabad.
2. The Managing Director,
Osmanabad Janta Co-operative Bank Ltd.,
Head Office, Main Road,
Osmanabad. RESPONDENTS

**WITH
WRIT PETITION NO.7973 OF 2018**

Namdev Shankar Chikhale,
Age : 65 years, Occu.: Retired,
R/o.: Yavati, Tq. & Dist. Osmanabad PETITIONER

VERSUS

1. The Chairman,
Osmanabad Janta Co-operative Bank Ltd.,
Head Office, Main Road,
Osmanabad.
2. The Managing Director,
Osmanabad Janta Co-operative Bank Ltd.,
Head Office, Main Road,
Osmanabad. RESPONDENTS

**WITH
WRIT PETITION NO.7974 OF 2018**

Sawarmal Lalchand Joshi,
Age : 62 years, Occu.: Retired,
R/o.: Rukmini Niwas, Sahayog Colony,
Ring Road, Latur PETITIONER

VERSUS

1. The Chairman,
Osmanabad Janta Co-operative Bank Ltd.,
Head Office, Main Road,
Osmanabad.
2. The Managing Director,
Osmanabad Janta Co-operative Bank Ltd.,
Head Office, Main Road,
Osmanabad. RESPONDENTS

**WITH
WRIT PETITION NO.7975 OF 2018**

Balasaheb Sakharam Mane,
Age : 54 years, Occu.: Retired,
R/o.: Shahu Nagar, Kakde Plot,
Osmanabad PETITIONER

VERSUS

1. The Chairman,
Osmanabad Janta Co-operative Bank Ltd.,
Head Office, Main Road,
Osmanabad.
2. The Managing Director,
Osmanabad Janta Co-operative Bank Ltd.,
Head Office, Main Road,
Osmanabad. RESPONDENTS

**WITH
WRIT PETITION NO.7976 OF 2018**

Dattatraya s/o Yedaba Wakade,
Age : 69 years, Occu.: Retired,
R/o.: Gurukripa Niwas Ramnagar,
Osmanabad PETITIONER

VERSUS

1. The Chairman,
Osmanabad Janta Co-operative Bank Ltd.,
Head Office, Main Road,
Osmanabad.
2. The Managing Director,
Osmanabad Janta Co-operative Bank Ltd.,
Head Office, Main Road,
Osmanabad. RESPONDENTS

**WITH
WRIT PETITION NO.7977 OF 2018**

Balbhim Nagorao Mane,
Age : 62 years, Occu.: Retired,
R/o.: Dapka, Post Turori,
Tq. Omerga, Dist. Osmanabad PETITIONER

VERSUS

1. The Chairman,
Osmanabad Janta Co-operative Bank Ltd.,
Head Office, Main Road,
Osmanabad.
2. The Managing Director,
Osmanabad Janta Co-operative Bank Ltd.,
Head Office, Main Road,
Osmanabad. RESPONDENTS

**WITH
WRIT PETITION NO.7978 OF 2018**

Somnath Vishwanath Mahajan,
Age : 64 years, Occu.: Retired,
R/o.: Jalkot, Tq. Tuljapur,
District : Osmanabad PETITIONER

VERSUS

1. The Chairman,
Osmanabad Janta Co-operative Bank Ltd.,
Head Office, Main Road,
Osmanabad.
2. The Managing Director,
Osmanabad Janta Co-operative Bank Ltd.,
Head Office, Main Road,
Osmanabad. RESPONDENTS

**WITH
WRIT PETITION NO.8086 OF 2018**

Yeshwant Maruti Pethe,
Age : 65 years, Occu.: Retired,
R/o.: Gousat, Post Pohaner,
Tq. & Dist.: Osmanabad PETITIONER

VERSUS

1. The Chairman,
Osmanabad Janta Co-operative Bank Ltd.,
Head Office, Main Road,
Osmanabad.
2. The Managing Director,
Osmanabad Janta Co-operative Bank Ltd.,
Head Office, Main Road,
Osmanabad. RESPONDENTS

**WITH
WRIT PETITION NO.8101 OF 2018**

Prabhakar Dattatray Devalkar,
Age : 66 years, Occu.: Retired,
R/o.: Shantiniketan Bhanu Nagar,
Yedshi Road, Osmanabad PETITIONER

VERSUS

1. The Chairman,
Osmanabad Janta Co-operative Bank Ltd.,
Head Office, Main Road,
Osmanabad.
2. The Managing Director,
Osmanabad Janta Co-operative Bank Ltd.,
Head Office, Main Road,
Osmanabad. RESPONDENTS

**WITH
WRIT PETITION NO.8102 OF 2018**

Sitaram Gunderao Jadhav,
Age : 68 years, Occu.: Retired,
R/o.: Vishwasagar City, Katpur Road,
Latur, District : Latur PETITIONER

VERSUS

1. The Chairman,
Osmanabad Janta Co-operative Bank Ltd.,
Head Office, Main Road,
Osmanabad.
2. The Managing Director,
Osmanabad Janta Co-operative Bank Ltd.,
Head Office, Main Road,
Osmanabad. RESPONDENTS

**WITH
WRIT PETITION NO.8105 OF 2018**

Vishnu Kundlik Gaikwad,
Age : 64 years, Occu.: Retired,
R/o.: Jijau Nagar, Osmanabad,
District : Osmanabad PETITIONER

VERSUS

1. The Chairman,
Osmanabad Janta Co-operative Bank Ltd.,
Head Office, Main Road,
Osmanabad.
2. The Managing Director,
Osmanabad Janta Co-operative Bank Ltd.,
Head Office, Main Road,
Osmanabad. RESPONDENTS

....
Advocate for Petitioners : Mr. A. V. Patil Indrale
Advocate for Respondents : Mr. A. N. Irpatgire
....

CORAM : M. S. KARNIK, J.

DATE : 14th AUGUST 2019

ORAL JUDGMENT

Heard. Since common issue is involved and the common judgment of the Labour Court is challenged, the present petitions are disposed of by this common judgment.

2. **Rule.** Rule made returnable forthwith. With consent of both the parties, heard finally.

3. By filing these petitions under Articles 226 and 227 of the Constitution of India, the petitioners have assailed the judgment and order dated 21.04.2018 passed by the Judge, Labour Court, Latur rejecting the application made by the petitioners under Section 33-C(2) of the Industrial Dispute Act, 1947 (hereinafter referred to as 'said Act' for short) on the ground of maintainability and for want of jurisdiction.

4. The petitioners moved an application under Section 33-C(2) of the said Act contending that they are employees of the Respondent Bank. It is their case that they are entitled to the benefits as prayed for by them in terms of agreement signed in 1985 called "Sevak Seva Niyam 1985". It is the case of petitioners that all benefits under the Rules of 1985 from 1985 to 2000 are paid. However, no benefits in terms of said agreement/Rules are paid for the period from 01.01.2001 till their date of retirement, respectively.

5. Learned counsel for the petitioners invited my attention to the said Rules of 1985. He would submit that the benefits to which the petitioners are entitled in terms of Clause-9 of Annexure-A are not paid to them. It is further their case that the said "Sevak Seva Niyam 1985" was amended in the year, 2001. They have also claimed the benefits in terms of the amended "Sevak Seva Niyam" which came into force with effect from 01.01.2001. The petitioners have computed their claim on this basis and the said computation is annexed with the application.

6. The respondents filed preliminary objection to the said application contending that unless the applicants have pre-existing right adjudged by any competent authority, the applicants have no *locus-standi* to file the applications under Section 33(C)(2) of the said Act. It was stated that unless a party applying before the Court has a pre-existing or pre-adjudged right, proceeding under Section 33(C)(2) are not tenable. It is further stated that the right of the applicants have not decided or adjudged by any competent court or

authority and hence the applicants have no legal right to file the applications under Section 33(C)(2) of the said Act. It is further stated that the respondents have paid all the final dues of the applicant as per the rules and procedure and therefore, the claim of the petitioners need to be decided by the competent forum before entertaining the applications under Section 33(C)(2) of the said Act. It is moreover stated that the applications are filed after 17 years and therefore, the claim is barred by law of limitation. On all these grounds the respondents contended that the application itself is not tenable and deserves to be dismissed. It is also one of the contention that the petitioners are not the workmen within the meaning of I. D. Act, 1947.

7. The Labour Court by the impugned order allowed the preliminary objection as regards maintainability raised by the respondents. It held the applications of petitioners are not maintainable and dismissed the same for want of jurisdiction.

8. Learned counsel for the petitioners submits that even

without filing reply to the application, the Labour Court has proceeded to decide the preliminary objection to the maintainability of the application. In the submission of learned counsel for the petitioners, the proceeding under Section 33(C) (2) of the said Act being summary in nature, all the issues should have been decided together. He further submitted that the petitioners are claiming on the basis of Rules 1985 and as amended by the Rules of 2001, therefore, they already have a pre-existing right in their favour. As per his submission, whether the claim is tenable or not, is to be decided on the basis of the plea taken in the application. According to him the claim of the petitioners is based on the entitlement conferred by the Rules of 1985 and as amended in 2001. He would further submit that limitation being mixed question of law and facts, even before filing a reply opposing the applications, the Labour Court was not justified in rejecting the application on the ground of delay. He would rely upon the decision of the Apex Court in the case of ***A. Satyanarayana Reddy and Others Vs. Presiding Officer, Labour Court and Others, reported in AIR 2016 Supreme Court 4556*** in support of

his submissions.

9. Learned counsel for the respondents on the other hand supported the order passed by the Labour Court. He invited my attention to the findings recorded by the Labour Court. He would submit that after considering the law laid down by the Apex Court, the Labour Court came to the conclusion that there is no pre-existing right in favour of the petitioners, and therefore, the Labour Court rightly came to the conclusion that the application is not maintainable. He would further submit that unless and until there is pre-existing right and entitlement to receive the amount claimed, the application under Section 33(C)(2) of the said Act is not maintainable. He would urge that no materials have been produced by the petitioners to establish that they have pre-existing right and entitlement to receive the amount which is claimed. Inviting my attention to para 58 of the order passed by the Labour Court, he would submit that after considering the pleadings made in the application itself, the Labour Court has come to the conclusion that all the disputed aspects are required to be adjudicated in a

proper reference by the proper forum under the relevant provisions of the said Act, and therefore, in his submission, the Labour Court was right in coming to the conclusion that it has no jurisdiction to entertain, decide and adjudicate the dispute under the said Act. He would further submit that the application was made almost after 17 years, therefore, the Labour Court has not entertained the application even on the count of there being a gross delay.

10. Heard learned counsel. I have gone through the order passed by the Labour Court. The application made under Section 33(C)(2) which is at page 12 of the paper-book would reveal that the petitioners are claiming the monetary benefits in terms of "Sevak Seva Niyam, 1985" and as amended in the year, 2001. It could thus be seen that the petitioners are seeking entitlement of a right, which according to petitioners, was already crystallized under the Rules of 1985 and as amended in the year 2001. The Labour Court has proceeded on the footing that even in respect of those rights which the petitioners claim under Rules, the petitioners still have to first

get the rights adjudicated from the competent forum. The record would reveal that, respondents filed preliminary objection to the maintainability of the application under Section 33(C)(2) of the said Act on the ground that the petitioners have no pre-existing right to file such application.

11. It is pertinent to mention here that the respondents did not file any reply to the 339C)(2) application denying the claim of the petitioners. The main reason for raising preliminary objection is that the petitioners have not pleaded a pre-existing right declared in their favour by any competent authority therefore petitioners have no locus-standi to file the application under Section 33(C)(2) of the said Act. As indicated earlier, the petitioners are claiming on the basis of Rules of 1985 as amended in 2001 and on a specific case made out that they are entitled to claim benefits conferred by virtue of Clause 9 of the Annexure to the Rules of 1985.

12. At this juncture, it would be pertinent to note that the respondents by filing the application have raised all possible

objections to the tenability of the application. A useful reference can be made to the decisions of the Apex Court in the case of **A Satyanarayana Reddy** (*Supra*) which deals with the manner in which the applications made under Section 33(C)(2) of the said Act are to be dealt with. Relevant portion in para 10 of the the judgment read thus :

“10. In our opinion, on a fair and reasonable construction of sub-section (2) it is clear that if a workman's right to receive the benefit, that may have to be determined by the Labour Court. Before proceeding to compute the benefit in terms of money the Labour Court inevitably has to deal with the question as to whether the workman has a right to receive that benefit. If the said right is not disputed, nothing more needs to be done and the Labour Court can proceed to compute the value of the benefit in terms of money; but if the said right is disputed, the Labour Court must deal with that question and decide whether the workman has the right to receive the benefit as alleged by him and it is only if the Labour Court answers this point in favour of the title workman that the next question of making necessary computation can arise”

And again,

“Besides, it seems to us that if the appellant's construction is accepted, it would necessarily mean that it would be at the option of the employer to allow the workman to avail himself of the remedy provided by sub-section(2) because he has merely to raise an objection on the ground that the right claimed by the workman is not admitted to oust the jurisdiction of the Labour Court to entertain the workman's application. The claim under Section 33-C(2) clearly postulates that the determination of the question about computing the benefit in terms of money may, in some cases, have to be preceded by an enquiry into the existence of the right and such an enquiry must be held to be incidental to the main determination which has been assigned to the Labour Court by sub-section (2)”.

13. The Apex Court has thus, held that the section was enacted for the purpose of enabling individual workman to implement, enforce, execute their existing individual rights against their employers without being compelled to take recourse to Section 10 by raising disputes and securing a reference which is obviously a lengthy process. Section 33-C of the Act has accordingly been described as a provision which

clothes the Labour Court with the powers similar to those of an executing court so that the workman concerned receives speedy relief in respect of his existing individual rights. Their Lordships observed that the primary purpose of the section being to provide the aggrieved workman with a forum similar to the executing courts, it calls for a broad and beneficial construction consistent with other provisions of the Act, which should serve to advance the remedy and to suppress the mischief. Thus, Section 33-C was designed to suppress the difficulties faced by individual workmen in getting relief in respect of their existing rights without having resort to Section 10 of the Act.

14. In view of what is laid down by the Apex Court in respect of manner in which application made under Section 33 (C)(2) is to be dealt with the jurisdiction of the Labour Court to entertain the workmen's applications is not ousted merely on objection raised by the employer that the workmen's claim is not admitted. If the right of the employee is disputed, the Labour Court must look into that question and decide whether the

workman has the right to receive the benefit as alleged by him and it is only if the Labour Court answers this point in favour of workman that the next question of making necessary computation can arise.

15. The Labour Court has proceeded on the footing that the applicants have not produced any materials to establish that they have got pre-existing right and entitlement to receive the amount claimed in annexure and statement of calculation A, B and C filed with the application (Exhibit-U-1). The Labour Court, in para No. 58, has observed thus :

"58. Thus, (1) Applicant's status as workman is disputed. (2) Amount claimed in application is disputed (3) Contention of the opponent is that, applicant has been paid all legal dues at the time of his retirement (4) Applicant has not produced any judgment, order or award, decision or settlement/agreement conferring upon the applicant benefits claimed in application Exh.U-1. (5) Entitlement claimed under Sevak Seva Niyam 1985 and settlement/agreement of 2000 are disputed. (6) Right claimed under alleged service Rules is also disputed. (7) Right and entitlement

claimed to exist in favour of the applicant is disputed, (8) Opponent has not recognized, accepted nor admitted whole or any part of amount claimed in application Exh.U-1 filed under Section 33-C(2) of the Industrial Disputes Act, 1947. therefore, all these disputed aspects are required to be adjudicated in a proper, reference by the proper forum under the proper provisions of the Industrial Disputes Act, 1947”.

16. In my opinion, merely because the respondents disputed the entitlement will not by itself be a reason to arrive at a conclusion that the application filed under Section 33(C)(2) is not maintainable. In the present case, the petitioners are claiming the computation of benefits in terms of the Rules of 1985 and as amended in the year 2001. As indicated earlier, the respondents without filing any reply to the application made under Section 33(C)(2) of the said Act, straightway proceeded to raise preliminary objection to the maintainability of the application simply disputing the entitlement. Having regard to the law laid down by the Apex Court in the case of **A. Satyanarayana Reddy** (*supra*) the order passed by the

Labour Court calls for interference. The impugned order of the Labour Court is quashed and set aside.

17. The matter is remitted back to the Labour Court for deciding the preliminary objection / application afresh in the light of what is laid down in **A. Satyanarayana Reddy's** case.

18. The respondents will be at liberty to file reply to the application.

19. All contentions of the parties including in respect of limitation are kept open. In view of above, Writ Petitions are partly allowed with no order as to costs.

20. Considering the age of the petitioners and as they are already retired from service, Labour Court is requested to decide the applications expeditiously.

21. Rule is made absolute in the above terms.

(M. S. KARNIK, J.)

vsm/