

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.13268 OF 2018
IN WP/9736/2017 WITH WP/9735/2017

M/S ISMT LIMITED AHMADNAGAR
VERSUS
JALINDAR RANGNATH LAHARE AND OTHERS

...
Advocate for Applicant : Shri Upadhye V.N.
Advocate for Respondents 1 to 7 : Shri Barde P.V.

...

CORAM : RAVINDRA V. GHUGE, J.
Dated: January 29, 2019

...

PER COURT :-

1. By this application the original petitioner / management prays for restoration of the Writ Petition No. 9736 of 2017, which was dismissed for non-removal of office objections. The same order was also noted in the second petition No. 9735 of 2017, though the Registry, inadvertently, failed to dismiss the said petition.

2. I have heard the learned Advocates for the respective sides.

3. The record reveals that the first order for removal of office objections was passed on 28.8.2018, by imposing costs. Neither the costs amount was deposited nor the objections were removed. Eventually, the second petition stood dismissed. Though the same order

was placed in the first petition, the Registry, inadvertently, failed to record the dismissal of the first petition.

4. Learned Advocate for the respondents / employees, who are 12 in numbers, submits that they have suffered untold hardships owing to the conduct of the petitioner / management. The judgment of the Industrial Court is in their favour. The same is not implemented and at the same time, these petitions were kept lingering. Office objections were deliberately not removed so that the petitions would remain pending. He, therefore, submits that the directions of the Industrial Court to pay Rs.1.5 Lakhs to each of the employees, as back wages, with reinstatement or payment of lump sump compensation of Rs.5,00,000/- should be implemented as a precondition for the restoration of this petition.

5. Learned counsel for the workers insists that if any interim relief is to be granted to the management, the equities may be balanced by directing the management to deposit atleast the back wages in this Court, as per the directions of the Industrial Court.

6. When called upon, the learned counsel for the management submits that the management is willing to face the execution proceedings which are in progress.

7. In view of the above, this civil application is allowed on the following conditions:-

(A) An amount of Rs.10,000/- per respondent / worker in these two petitions shall be deposited by the management, towards costs, in this Court on/or before 18.2.2019.

(B) All office objections in both the petitions should be removed on/or before the same date.

(C) If the above direction is not complied with, both the petitions shall stand dismissed without reference to the Court on 20.2.2019.

(D) After compliance of the above directions, each of these workers would withdraw an amount of Rs.10,000/- as costs, without conditions and the writ petitions shall be listed in the Urgent Admissions Category on 22.6.2019.

(RAVINDRA V. GHUGE, J.)

...