IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 1279 OF 2019

Sambhaji Baburao Belote
VERSUS
Parner Taluka Sahakari Sakhar Karkhana Maryadit Thorugh Liquidator
And Another
***

WITH
WRIT PETITION NO. 1280 OF 2019

Revannath Dadasaheb Magar
VERSUS
Parner Taluka Sahakari Sakhar Karkhana Maryadit Thorugh Liquidator
And Another
***

WITH
WRIT PETITION NO. 1281 OF 2019

Bansi Vitthal Gawali
VERSUS
Parner Taluka Sahakari Sakhar Karkhana Maryadit Thorugh Liquidator
And Another
***

WITH
WRIT PETITION NO. 1282 OF 2019

Sampat Baban Sarde
VERSUS
Parner Taluka Sahakari Sakhar Karkhana Maryadit Through Its Liquidator
And Anr
***

WITH
WRIT PETITION NO. 1283 OF 2019

Dattatray Tukaram Rohokale

VERSUS
Parner Taluka Sahakari Sakhar Karkhana Maryadit Through Its Liquidator
And Anr
***

WITH
WRIT PETITION NO. 1284 OF 2019

Bhaskar Haribhau Jadhav
VERSUS
Parner Taluka Sahakari Sakhar Karkhana Maryadit Through Its Liquidator
And Anr
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WITH
WRIT PETITION NO. 1285 OF 2019

Bhaskar Sampat Thorat
VERSUS
Parner Taluka Sahakari Sakhar Karkhana Maryadit Through Its Liquidator
And Anr
***

WITH
WRIT PETITION NO. 1286 OF 2019

Balu Ganpat Pathare
VERSUS
Parner Taluka Sahakari Sakhar Karkhana Maryadit Thorugh Liquidator
And Another
***

WITH
WRIT PETITION NO. 1287 OF 2019

Bajirao Thakaji Bhandalkar
VERSUS
Parner Taluka Sahakari Sakhar Karkhana Maryadit Through Its Liquidator
And Anr
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WITH
WRIT PETITION NO. 1288 OF 2019

Laxman Ranganth Tikone
VERSUS
Parner Taluka Sahakari Sakhar Karkhana Maryadit Through Its Liquidator
And Anr
***

WITH
WRIT PETITION NO. 1289 OF 2019

Anil Vishnu Gagre
VERSUS
Parner Taluka Sahakari Sakhar Karkhana Maryadit Through Its Liquidator
And Anr
***

WITH
WRIT PETITION NO. 1290 OF 2019

Ashok Maruti Kawade
VERSUS
Parner Taluka Sahakari Sakhar Karkhana Maryadit Thorugh Liquidator
And Another
***

WITH
WRIT PETITION NO. 1291 OF 2019

Vishwas Sadashiv Kapse
VERSUS
Parner Taluka Sahakari Sakhar Karkhana Maryadit Through Its Liquidator
And Anr
***

WITH
WRIT PETITION NO. 1292 OF 2019

Jaysing Kisan Wagh
VERSUS
Parner Taluka Sahakari Sakhar Karkhana Maryadit Through Its Liquidator
And Anr
***

WITH
WRIT PETITION NO. 1293 OF 2019

Indrabhan Rambhau Pimparkar
VERSUS
Parner Taluka Sahakari Sakhar Karkhana Maryadit Through Its Liquidator
And Anr
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WITH
WRIT PETITION NO. 1294 OF 2019

Babaji Namdeo Jadhav
VERSUS
Parner Taluka Sahakari Sakhar Karkhana Maryadit Through Its Liquidator
And Anr
***

WITH
WRIT PETITION NO. 1295 OF 2019

Gangadhar Laxman Kawade
VERSUS
Parner Taluka Sahakari Sakhar Karkhana Maryadit Through Its Liquidator
And Anr
***

WITH
WRIT PETITION NO. 1296 OF 2019

Popat Ananda Kadam
VERSUS
Parner Taluka Sahakari Sakhar Karkhana Maryadit Through Its Liquidator
And Anr
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WITH
WRIT PETITION NO. 1297 OF 2019

Gangadhar Raghunath Gagare
VERSUS
Parner Taluka Sahakari Sakhar Karkhana Maryadit Through Its Liquidator
And Anr

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WITH
WRIT PETITION NO. 1298 OF 2019

Satyawan Keshav Dudhade
VERSUS
Parner Taluka Sahakari Sakhar Karkhana Maryadit Through Its Liquidator
And Anr
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WITH
WRIT PETITION NO. 1299 OF 2019

Haridas Bhagaji Kokate
VERSUS
Parner Taluka Sahakari Sakhar Karkhana Maryadit Thorugh Liquidator
And Another
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WITH
WRIT PETITION NO. 1300 OF 2019

Nileshwar Ramchandra Gat
VERSUS
Parner Taluka Sahakari Sakhar Karkhana Maryadit Through Its Liquidator
And Anr
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WITH
WRIT PETITION NO. 1301 OF 2019

Dashrath Genu Wakhare
VERSUS
Parner Taluka Sahakari Sakhar Karkhana Maryadit Through Its Liquidator
And Anr
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WITH
WRIT PETITION NO. 1302 OF 2019

Baban Revji Belote
VERSUS

Parner Taluka Sahakari Sakhar Karkhana Maryadit Through Its Liquidator
And Anr
***

WITH
WRIT PETITION NO. 1303 OF 2019

Baburao Tabaji Mule
VERSUS
Parner Taluka Sahakari Sakhar Karkhana Maryadit Through Its Liquidator
And Anr
***

WITH
WRIT PETITION NO. 1304 OF 2019

Dhondibhau Keshav Shrimandilkar
VERSUS
Parner Taluka Sahakari Sakhar Karkhana Maryadit Through Its Liquidator
And Anr
***

WITH
WRIT PETITION NO. 1305 OF 2019

Shivaji Yamanji Kshirsagar
VERSUS
Parner Taluka Sahakari Sakhar Karkhana Maryadit Through Its Liquidator
And Anr
***

WITH
WRIT PETITION NO. 1306 OF 2019

Sonyabapu Gulab Ghorpade
VERSUS
Parner Taluka Sahakari Sakhar Karkhana Maryadit Through Its Liquidator
And Anr
***

WITH
WRIT PETITION NO. 1307 OF 2019

Kashinath Nana Thopte
VERSUS
Parner Taluka Sahakari Sakhar Karkhana Maryadit Through Its Liquidator
And Anr
***

WITH
WRIT PETITION NO. 1308 OF 2019

Madhukar Rambhau Pimparkar
VERSUS
Parner Taluka Sahakari Sakhar Karkhana Maryadit Through Its Liquidator
And Anr
***

WITH
WRIT PETITION NO. 1309 OF 2019

Laxman Khandu Varpe
VERSUS
Parner Taluka Sahakari Sakhar Karkhana Maryadit Through Its Liquidator
And Anr
***

WITH
WRIT PETITION NO. 1310 OF 2019

Lahanu Natha Yeole
VERSUS
Parner Taluka Sahakari Sakhar Karkhana Maryadit Through Its Liquidator
And Anr
***

WITH
WRIT PETITION NO. 1311 OF 2019

Rajaram Hari Pimparkar
VERSUS
Parner Taluka Sahakari Sakhar Karkhana Maryadit Through Its Liquidator
And Anr
***

WITH

WRIT PETITION NO. 1312 OF 2019

Subhash Narsu Belote
VERSUS
Parner Taluka Sahakari Sakhar Karkhana Maryadit Through Its Liquidator
And Anr
***

WITH
WRIT PETITION NO. 1313 OF 2019

Umaji Tabaji Sarde
VERSUS
Parner Taluka Sahakari Sakhar Karkhana Maryadit Through Its Liquidator
And Anr
***

WITH
WRIT PETITION NO. 1314 OF 2019

Kalyan Shivram Awari
VERSUS
Parner Taluka Sahakari Sakhar Karkhana Maryadit Through Its Liquidator
And Anr
***

WITH
WRIT PETITION NO. 1383 OF 2019

Sampat Digambar Kedari
VERSUS
Parner Taluka Sahakari Sakhar Karkhana Maryadit Through Its Liquidator
And Anr
***

WITH
WRIT PETITION NO. 1384 OF 2019

Vishnu Martand Sarde
VERSUS
Parner Taluka Sahakari Sakhar Karkhana Maryadit Thorugh Liquidator
And Another
***

WITH
WRIT PETITION NO. 1385 OF 2019

Balkishan Bansi Chaudhari
VERSUS
Parner Taluka Sahakari Sakhar Karkhana Maryadit Through Its Liquidator
And Anr
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...
Advocate for the Petitioners : Shri Parag V. Barde
Advocate for Respondent 1 : Shri Prashant R. Nangare
Advocate for Respondent 2 : Shri Abasaheb D. Shinde
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CORAM : RAVINDRA V. GHUGE, J.

DATE :- 13th June, 2019

Per Court :-

1 In all these petitions, the learned advocates for the petitioners and respondent no.2 submit that in an identical set of facts in Writ Petition No.12810/2017 along with a group of petitions (total 41 writ petitions) in the matter of ***Manik Keshav Jagdale vs. Parner Taluka Sahakari Sakhar Karkhana and another***, this Court has delivered an exhaustive order on 17.07.2018 running into 22 pages. However, there are only two distinguishing factors insofar as these petitions are concerned. Firstly, the Liquidator in those 41 petitions had not appeared and had not produced the documents. In these petitions, the Liquidator has appeared, filed the written statement and produced few documents

and then, did not participate in the proceedings before the Labour Court. Secondly, the amount calculated by the Labour Court in those 41 matters along with interest was about Rs.50 lac and in these matters, it is about 41 lac.

2 The Liquidator Mr.Rajendra Fakira Nikam is personally present in the Court. The learned advocate appearing on behalf of the Liquidator initially submitted that he was seeking time. Considering that the notice was issued on 31.01.2019 and was made returnable on 04.03.2019, I am disinclined in granting any adjournment. He then submits that he has received some documents, which he can file. I do not find that the said submission could be an impediment for disposing off these petitions in view of the identical petitions having already been disposed off by remitting the matters to the Labour Court so as to enable the Liquidator to participate in the said proceedings wholeheartedly and render fullest cooperation to the Labour Court for proper adjudication of the claims of these workers.

3 In view of the above and considering the reasons assigned in the earlier order dated 17.07.2018 in the identical set of facts, these Writ Petitions filed by the workers are partly allowed with the following directions:-

(a) The impugned judgments are partly set aside only to the extent of remitting the applications to the Labour Court for

enabling the Liquidator to participate in the proceedings and produce all documents and claims, if any, before the Labour Court for proper adjudication of the claims of these workers.

(b) The conclusions of the Labour Court to the extent of absolving Kranti Sugar from the liability to make the payment to the workers exclusively under Section 33-C(2) of the Industrial Disputes Act, 1947 and holding Kranti Sugar as not being the employer of these workers, are sustained.

(c) The amounts, which have been calculated by the Labour Court in the impugned orders, notwithstanding the paucity of necessary documents, which are in the custody of the Liquidator, are roughly about Rs.41 lac, which shall be deposited by the Liquidator before the Labour Court, on or before 31.08.2019.

(d) The workers as well as the Liquidator shall appear before the Labour Court on 01.07.2019 and formal notices need not be issued by the Labour Court.

(e) The issue as to whether, the Liquidator is indemnified by Kranti Sugar, is left open to be considered in any other proceeding and will not be a subject matter of the present proceedings before the Labour Court.

(f) The workers shall delete Kranti Sugar from the proceedings

under Section 33-C(2) of the Industrial Disputes Act, 1947 before the Labour Court.

(g) The workers are permitted to withdraw those principal amounts, which have been granted by the Labour Court, without the interest component, after the Liquidator deposits the amount, by tendering an affidavit undertaking that if they have withdrawn excess amounts, they shall deposit the said amounts in the Labour Court within eight weeks after the findings/ judgment of the Labour Court.

(h) The workers are at liberty to raise independent claims for unpaid bonus and gratuity amounts and the time spent by them before the Labour Court and this Court in the instant proceedings, shall be a good ground for condonation of delay, if any.

(i) The observations in this order are restricted to the proceedings in hand in the face of the factors involved in the pending proceedings and will not be applicable to other workers, if the factors in their pending cases are distinct or distinguishable.

kps (**RAVINDRA V. GHUGE, J.**)