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Bharat
D. Pandit

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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 911 OF 2017**

Nashik Sahakari Sakhar Karkhana Petitioner.

V/s

Rajaram Laxman Chauhanke and Others Respondents.

Mr. Swapnil V. Walve for the Petitioner.
Mr. Idrajeet R. Kulkarni for Respondent No.1.

CORAM: NITIN W. SAMBRE, J.

DATE: 5th August, 2019.

P.C.:-

- 1] Heard the learned Counsel for the Petitioner.

- 2] By the impugned order dated 16/08/2016 passed by the First Labour Court, Nashik in Application (IDA) No.33 of 2015 preferred under Section 33-C of the Industrial Disputes Act, 1947, following order came to be passed:-

“O R D E R

1. Application is hereby allowed.
2. The respondents no. 1 & 2 shall pay Rs 1,70,000/- including unpaid wages and legal dues to the applicant within one month.
3. The respondent no.3 shall pay Rs. 50,000/- to the applicant within one month.
- 4.....
- 5.....”

3] The submissions made by the learned Counsel for the Petitioner are, so far as payment of dues of Rs 1,70,000/- is concerned, Petitioner has no grievance. However, according to him, directions to pay an amount of Rs 50,000/- to the Respondent/employee is without any basis. The submissions are, an amount of Rs 50,000/- was deducted by the employer towards share money. However, the said amount has not come to the coffer of the Petitioner as there exists a dispute between the Petitioner and Co-operative Sugar Factory from whom an amount of Rs 50,000/- is receivable. He would invite attention of this Court to the fact that 101 proceedings under the Maharashtra Co-operative Societies Act taken out against

the Co-operative Sugar Factory were answered in favour of the Petitioner and the process of recovery of the dues is also going on. The further submission is, like Respondent/employee, there are other similarly placed persons who may also claim this amount towards share money, which the Petitioner has never received. As such, according to him, indulgence is warranted.

4] The learned Counsel for the Respondent/employee supported the order impugned.

5] The fact remains that in view of entitlement of the Petitioner towards share money, 101 certificate for recovery is issued of which, this Court takes note of. As such, satisfaction of liability under the said certificate between the Petitioner and the Co-operative Sugar Factory cannot be read to the detriment of the Respondent/employee, particularly when the Petitioner has also established his liability in proceedings under Section 101 of the Maharashtra Co-operative Societies Act. That being so, in my opinion, as far as the case of the Respondent/employee is concerned which has been adjudicated upon

in the aforesaid application by the Labour Court, no interference is warranted. Petition fails and the same is dismissed.

(NITIN W. SAMBRE, J.)