

DDR

Digitally
signed by
DIKSHA
DINESH
RANE
Date:
2021.09.23
20:03:30
+0530

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 3779 OF 2021

SHETKARI SAHAKARI SANGH LTD. ..PETITIONER
VS.
DATTATRAY HINDURAO YADAV & ORS. ..RESPONDENTS

**WITH
WRIT PETITION ST. NO. 1464 OF 2021**

SHETKARI SAHAKARI SANGH LTD. ..PETITIONER
VS.
BABURAO KASHINATH HAJARE & ORS. ..RESPONDENTS

**WITH
WRIT PETITION ST. NO. 1629 OF 2021**

SHETKARI SAHAKARI SANGH LTD. ..PETITIONER
VS.
SUDHAKAR SHANKAR MALI & ORS. ..RESPONDENTS

**WITH
WRIT PETITION ST. NO. 1631 OF 2021**

SHETKARI SAHAKARI SANGH LTD. ..PETITIONER
VS.
GANPATI BHAU KAMBALE & ORS. ..RESPONDENTS

**WITH
WRIT PETITION ST. NO. 1635 OF 2021**

SHETKARI SAHAKARI SANGH LTD. ..PETITIONER
VS.
RAMCHANDRA BABURAO MALI & ORS. ..RESPONDENTS

**WITH
WRIT PETITION ST. NO. 1639 OF 2021**

SHETKARI SAHAKARI SANGH LTD. ..PETITIONER
VS.
MANGAL VASANT KHARPE & ORS. ..RESPONDENTS

**WITH
WRIT PETITION ST. NO. 1644 OF 2021**

SHETKARI SAHAKARI SANGH LTD.	..PETITIONER
VS.	
ISHWARA VITHOBA DHOKARE & ORS.	..RESPONDENTS

**WITH
WRIT PETITION ST. NO. 1647 OF 2021**

SHETKARI SAHAKARI SANGH LTD.	..PETITIONER
VS.	
BANDU BABASO LOKHANDE AND ORS.	..RESPONDENTS

**WITH
WRIT PETITION ST. NO. 2075 OF 2021**

SHETKARI SAHAKARI SANGH LTD.	..PETITIONER
VS.	
SHEKHARCHAND DADASO CHARATE & ORS.	..RESPONDENTS

**WITH
WRIT PETITION NO. 740 OF 2021**

SHETKARI SAHAKARI SANGH LTD.	..PETITIONER
VS.	
BALASO DAGADU KHAMKAR & ORS.	..RESPONDENTS

**WITH
WRIT PETITION ST. NO. 2095 OF 2021**

SHETKARI SAHAKARI SANGH LTD.	..PETITIONER
VS.	
BALKRUSHAN GOVINDRAO SHINDE & ORS.	..RESPONDENTS

**WITH
WRIT PETITION ST. NO. 2097 OF 2021**

SHETKARI SAHAKARI SANGH LTD.	..PETITIONER
VS.	
PRATAP JAYSING GHORPADE & ORS.	..RESPONDENTS

**WITH
WRIT PETITION ST. NO. 2100 OF 2021**

SHETKARI SAHAKARI SANGH LTD.	..PETITIONER
------------------------------	--------------

VS.
SHIVAJI ESHWARA PURIBUWA & ORS. ..RESPONDENTS

**WITH
WRIT PETITION ST. NO. 2106 OF 2021**

SHETKARI SAHAKARI SANGH LTD. ..PETITIONER
VS.
SANTAJI RAMRAO GHORPADE & ORS. ..RESPONDENTS

**WITH
WRIT PETITION ST. NO. 2108 OF 2021**

SHETKARI SAHAKARI SANGH LTD. ..PETITIONER
VS.
NARHARI KRUSHNAJI KULKARNI & ORS. ..RESPONDENTS

**WITH
WRIT PETITION ST. NO. 2116 OF 2021**

SHETKARI SAHAKARI SANGH LTD. ..PETITIONER
VS.
SARJERAO RAMCHANDRA NIMBALKAR & ORS. ..RESPONDENTS

**WITH
WRIT PETITION NO. 741 OF 2021**

SHETKARI SAHAKARI SANGH LTD. ..PETITIONER
VS.
SHARAD BALAPPA RATNAPGOL & ORS. ..RESPONDENTS

**WITH
WRIT PETITION ST. NO. 2353 OF 2021**

SHETKARI SAHAKARI SANGH LTD. ..PETITIONER
VS.
PUNDALIK BHARAMU BOKADE & ORS. ..RESPONDENTS

**WITH
WRIT PETITION ST. NO. 2354 OF 2021**

SHETKARI SAHAKARI SANGH LTD. ..PETITIONER
VS.
ANIL DNYANDEV KUMBHAR & ORS. ..RESPONDENTS

**WITH
WRIT PETITION ST. NO. 2358 OF 2021**

SHETKARI SAHAKARI SANGH LTD. ..PETITIONER
VS.
PANDIT DHONDIRAM KHAMKAR & ORS. ..RESPONDENTS

**WITH
WRIT PETITION ST. NO. 2375 OF 2021**

SHETKARI SAHAKARI SANGH LTD. ..PETITIONER
VS.
PANDURANG RAMKRUSHAN PISE & ORS. ..RESPONDENTS

**WITH
WRIT PETITION ST. NO. 2456 OF 2021**

SHETKARI SAHAKARI SANGH LTD. ..PETITIONER
VS.
NAMDEV PANDURANG BHOPALE AND ORS. ..RESPONDENTS

**WITH
WRIT PETITION ST. NO. 2458 OF 2021**

SHETKARI SAHAKARI SANGH LTD. ..PETITIONER
VS.
NARAYAN SHATUPPA BHANDURGE & ORS. ..RESPONDENTS

**WITH
WRIT PETITION NO. 737 OF 2021**

SHETKARI SAHAKARI SANGH LTD. ..PETITIONER
VS.
RAMA BALU KUMBHAR & ORS. ..RESPONDENTS

**WITH
WRIT PETITION ST. NO. 2465 OF 2021**

SHETKARI SAHAKARI SANGH LTD. ..PETITIONER
VS.
DHANAJI YESHWANT VICHARE & ORS. ..RESPONDENTS

**WITH
WRIT PETITION ST. NO. 3224 OF 2021**

SHETKARI SAHAKARI SANGH LTD. ..PETITIONER

VS.
MARUTI BABU KOLI & ORS. ..RESPONDENTS

**WITH
WRIT PETITION ST. NO. 3230 OF 2021**

SHETKARI SAHAKARI SANGH LTD. ..PETITIONER
VS.
LILABAI VASANTRAO YADAV & ORS. ..RESPONDENTS

**WITH
WRIT PETITION ST. NO. 3233 OF 2021**

SHETKARI SAHAKARI SANGH LTD. ..PETITIONER
VS.
MAHIPATI ANANDA POL & ORS. ..RESPONDENTS.

**WITH
WRIT PETITION NO. 739 OF 2021**

SHETKARI SAHAKARI SANGH LTD. ..PETITIONER
VS.
ARUN RAMCHANDRA AAMANE & ORS. ..RESPONDENTS

**WITH
WRIT PETITION NO. 738 OF 2021**

SHETKARI SAHAKARI SANGH LTD. ..PETITIONER
VS.
AASHA ANANT LOHAR & ORS. ..RESPONDENTS

**WITH
WRIT PETITION NO. 4366 OF 2021**

SHETKARI SAHAKARI SANGH LTD. ..PETITIONER
VS.
KERABA BABURAO JAMBHALE & ORS. ..RESPONDENTS

**WITH
WRIT PETITION NO. 3912 OF 2021**

SHETKARI SAHAKARI SANGH LTD. ..PETITIONER
VS.
NAZIR APPALAL MULLA & ORS. ..RESPONDENTS

**WITH
WRIT PETITION NO. 3915 OF 2021**

SHETKARI SAHAKARI SANGH LTD.	..PETITIONER
VS.	
RAJARAM YESHWANT JADHAV	..RESPONDENT

**WITH
WRIT PETITION NO. 3914 OF 2021**

SHETKARI SAHAKARI SANGH LTD.	..PETITIONER
VS.	
RAMCHANDRA ARJUN MANE & ORS.	..RESPONDENTS

**WITH
WRIT PETITION NO. 3911 OF 2021**

SHETKARI SAHAKARI SANGH LTD.	..PETITIONER
VS.	
SARJERAO TUKARAM WADKAR & ORS.	..RESPONDENTS

**WITH
WRIT PETITION NO. 3916 OF 2021**

SHETKARI SAHAKARI SANGH LTD.	..PETITIONER
VS.	
PANDURANG DATTU MORBALE & ORS.	..RESPONDENTS

**WITH
WRIT PETITION NO. 3913 OF 2021**

SHETKARI SAHAKARI SANGH LTD.	..PETITIONER
VS.	
PRABHAVATI PRAKASH DESAI & ORS.	..RESPONDENTS

**WITH
WRIT PETITION ST. NO. 11878 OF 2021**

SHETKARI SAHAKARI SANGH LTD.	..PETITIONER
VS.	
DADASO DATTOBA SATHE & ANR.	..RESPONDENTS

**WITH
WRIT PETITION NO. 3927 OF 2021**

SHETKARI SAHAKARI SANGH LTD.	..PETITIONER
------------------------------	--------------

VS.
DHONDIRAM DNYANU PATIL & ORS. ..RESPONDENTS

**WITH
WRIT PETITION NO. 3973 OF 2021**

SHETKARI SAHAKARI SANGH LTD. ..PETITIONER
VS.
RATNAMALA SHANKAR CHOUDHARI & ORS. ..RESPONDENTS

**WITH
WRIT PETITION NO. 3936 OF 2021**

SHETKARI SAHAKARI SANGH LTD. ..PETITIONER
VS.
SUSHILA VASANTRAO PATIL & ORS. ..RESPONDENTS

**WITH
WRIT PETITION NO. 3937 OF 2021**

SHETKARI SAHAKARI SANGH LTD. ..PETITIONER
VS.
AJIT AABASO PATIL & ORS. ..RESPONDENTS

**WITH
WRIT PETITION NO. 3935 OF 2021**

SHETKARI SAHAKARI SANGH LTD. ..PETITIONER
VS.
HAIBATI GANAPATI RAMOSHI & ORS. ..RESPONDENTS

**WITH
WRIT PETITION NO. 3938 OF 2021**

SHETKARI SAHAKARI SANGH LTD. ..PETITIONER
VS.
PANDURANG BALKU SHINDE & ORS. ..RESPONDENTS

**WITH
WRIT PETITION ST. NO. 11885 OF 2021**

SHETKARI SAHAKARI SANGH LTD. ..PETITIONER
VS.
BALASO TUKARAM PATIL & ANR. ..RESPONDENTS

**WITH
WRIT PETITION NO. 3939 OF 2021**

SHETKARI SAHAKARI SANGH LTD. ..PETITIONER
VS.
BAJIRAO VITHTHAL PATIL & ORS. ..RESPONDENTS

**WITH
WRIT PETITION NO. 3943 OF 2021**

SHETKARI SAHAKARI SANGH LTD. ..PETITIONER
VS.
NAMDEV MAHIPATI DESAI & ORS. ..RESPONDENTS

**WITH
WRIT PETITION NO. 3940 OF 2021**

SHETKARI SAHAKARI SANGH LTD. ..PETITIONER
VS.
RAJARAM DADASO KOTHAWALE & ORS. ..RESPONDENTS

**WITH
WRIT PETITION NO. 3944 OF 2021**

SHETKARI SAHAKARI SANGH LTD. ..PETITIONER
VS.
MANSUR BADSHAHA SANADI & ORS. ..RESPONDENTS

**WITH
WRIT PETITION NO. 4003 OF 2021**

SHETKARI SAHAKARI SANGH LTD. ..PETITIONER
VS.
DHULAPPA RAMCHANDRA KHOLAPE & ANR. ..RESPONDENTS

**WITH
WRIT PETITION NO. 3942 OF 2021**

SHETKARI SAHAKARI SANGH LTD. ..PETITIONER
VS.
BANUBAI PANDURANG SAWANT & ORS. ..RESPONDENTS

**WITH
WRIT PETITION NO. 3941 OF 2021**

SHETKARI SAHAKARI SANGH LTD. ..PETITIONER

VS.
BABASO PARSHURAM PATIL & ANR. ..RESPONDENTS

**WITH
WRIT PETITION ST. NO. 11901 OF 2021**

SHETKARI SAHAKARI SANGH LTD. ..PETITIONER
VS.
NANDKUMAR VITTHAL GAWANKAR & ANR. ..RESPONDENTS

**WITH
WRIT PETITION ST. NO. 11902 OF 2021**

SHETKARI SAHAKARI SANGH LTD. ..PETITIONER
VS.
SADASHIV RAMCHANDRA CHAUDHARI & ANR. ..RESPONDENTS

**WITH
WRIT PETITION ST. NO. 11903 OF 2021**

SHETKARI SAHAKARI SANGH LTD. ..PETITIONER
VS.
KRUSHNA SHANKAR MALKAR & ORS. ..RESPONDENTS

**WITH
WRIT PETITION NO. 3925 OF 2021**

SHETKARI SAHAKARI SANGH LTD. ..PETITIONER
VS.
TAJUDDIN ABDUL MANER & ORS. ..RESPONDENTS

**WITH
WRIT PETITION ST. NO. 11906 OF 2021**

SHETKARI SAHAKARI SANGH LTD. ..PETITIONER
VS.
ASHOK DUNDAPPA SHINTRE & ANR. ..RESPONDENTS

**WITH
WRIT PETITION NO. 3924 OF 2021**

SHETKARI SAHAKARI SANGH LTD. ..PETITIONER
VS.
SHIVAJI RAMU DESAI AND ORS. ..RESPONDENTS

**WITH
WRIT PETITION NO. 3931 OF 2021**

SHETKARI SAHAKARI SANGH LTD. ..PETITIONER
VS.
GUNDU RAVAJI BHUEMBAR & ORS. ..RESPONDENTS

**WITH
WRIT PETITION ST. NO. 11909 OF 2021**

SHETKARI SAHAKARI SANGH LTD. ..PETITIONER
VS.
FATTESINGH DATTARAY CHAVAN & ORS. ..RESPONDENTS

**WITH
WRIT PETITION NO. 3929 OF 2021**

SHETKARI SAHAKARI SANGH LTD. ..PETITIONER
VS.
ANANDA SHRIPATI CHOUGULE & ORS. ..RESPONDENTS

**WITH
WRIT PETITION ST. NO. 11911 OF 2021**

SHETKARI SAHAKARI SANGH LTD. ..PETITIONER
VS.
JAYSING SADU SHENDGE & ORS. ..RESPONDENTS

**WITH
WRIT PETITION NO. 3920 OF 2021**

SHETKARI SAHAKARI SANGH LTD. ..PETITIONER
VS.
BHAIRU RAMCHANDRA NAIK & ORS. ..RESPONDENTS

**WITH
WRIT PETITION ST. NO. 11914 OF 2021**

SHETKARI SAHAKARI SANGH LTD. ..PETITIONER
VS.
DATTU RAWAJI PATIL & ORS. ..RESPONDENTS

**WITH
WRIT PETITION NO. 3928 OF 2021**

SHETKARI SAHAKARI SANGH LTD. ..PETITIONER

VS.
PRAKASH BABASO SHINDE & ORS. ..RESPONDENTS

**WITH
WRIT PETITION NO. 3995 OF 2021**

SHETKARI SAHAKARI SANGH LTD. ..PETITIONER
VS.
RAJARAM GOVIND KAMBLE & ORS. ..RESPONDENTS

**WITH
WRIT PETITION NO. 3919 OF 2021**

SHETKARI SAHAKARI SANGH LTD. ..PETITIONER
VS.
SURYAKANT PANDURANG NIMBALKAR & ORS. ..RESPONDENTS

**WITH
WRIT PETITION NO. 3918 OF 2021**

SHETKARI SAHAKARI SANGH LTD. ..PETITIONER
VS.
BALASO RAMCHANDRA JADHAV & ORS. ..RESPONDENTS

**WITH
WRIT PETITION NO. 4004 OF 2021**

SHETKARI SAHAKARI SANGH LTD. ..PETITIONER
VS.
BABASAHEB SADASHIV PATIL & ANR. ..RESPONDENTS

**WITH
WRIT PETITION NO. 3948 OF 2021**

SHETKARI SAHAKARI SANGH LTD. ..PETITIONER
VS.
MADHAVRAO KRUSHNARAO KATKAR & ANR. ..RESPONDENTS

**WITH
WRIT PETITION NO. 4005 OF 2021**

SHETKARI SAHAKARI SANGH LTD. ..PETITIONER
VS.
GANAPATI RAMCHANDRA GHATGE & ORS. ..RESPONDENTS

**WITH
WRIT PETITION ST. NO. 11967 OF 2021**

SHETKARI SAHAKARI SANGH LTD.	..PETITIONER
VS.	
SHAMRAO KUSHNAJI PATIL & ORS.	..RESPONDENTS

**WITH
WRIT PETITION NO. 3947 OF 2021**

SHETKARI SAHAKARI SANGH LTD.	..PETITIONER
VS.	
DHONDIRAM BABU HALWANKAR & ORS.	..RESPONDENTS

**WITH
WRIT PETITION NO. 3958 OF 2021**

SHETKARI SAHAKARI SANGH LTD.	..PETITIONER
VS.	
SHAMRAO ANNASAHEB SARNOBAT & ORS.	..RESPONDENTS

**WITH
WRIT PETITION NO. 3949 OF 2021**

SHETKARI SAHAKARI SANGH LTD.	..PETITIONER
VS.	
SANTAPPA ALLAS SATISH RAMCHANDRA BACHANKAR & ANR.	..RESPONDENTS

**WITH
WRIT PETITION NO. 3946 OF 2021**

SHETKARI SAHAKARI SANGH LTD.	..PETITIONER
VS.	
ANNASO NAMDEV PATIL & ORS.	..RESPONDENTS

**WITH
WRIT PETITION ST. NO. 11973 OF 2021**

SHETKARI SAHAKARI SANGH LTD.	..PETITIONER
VS.	
RANGARAO TUKARAM PATIL & ORS.	..RESPONDENTS

**WITH
WRIT PETITION ST. NO. 11976 OF 2021**

SHETKARI SAHAKARI SANGH LTD. ..PETITIONER
VS.
SUBHASH BANDU AADAKE & ORS. ..RESPONDENTS

**WITH
WRIT PETITION ST. NO. 11979 OF 2021**

SHETKARI SAHAKARI SANGH LTD. ..PETITIONER
VS.
BAPU SAYYAD BAHURUPI AND ORS. ..RESPONDENTS

**WITH
WRIT PETITION ST. NO. 11981 OF 2021**

SHETKARI SAHAKARI SANGH LTD. ..PETITIONER
VS.
VILAS BALAWANT GURAV & ORS. ..RESPONDENTS

**WITH
WRIT PETITION ST. NO. 11983 OF 2021**

SHETKARI SAHAKARI SANGH LTD. ..PETITIONER
VS.
MAKBUL SIKANDAR ROHILE & ORS. ..RESPONDENTS

**WITH
WRIT PETITION ST. NO. 11989 OF 2021**

SHETKARI SAHAKARI SANGH LTD. ..PETITIONER
VS.
MASJID YUNUS MULLA & ORS. ..RESPONDENTS

**WITH
WRIT PETITION NO. 3945 OF 2021**

SHETKARI SAHAKARI SANGH LTD. ..PETITIONER
VS.
RAMCHANDRA DAULAT MALAVI & ORS. ..RESPONDENTS

**WITH
WRIT PETITION NO. 3956 OF 2021**

SHETKARI SAHAKARI SANGH LTD. ..PETITIONER
VS.
MOHAN RAWAJI SURYAWANSHI AND ORS. ..RESPONDENTS

**WITH
WRIT PETITION NO. 3957 OF 2021**

SHETKARI SAHAKARI SANGH LTD. ..PETITIONER
VS.
ASHOK GANAPATI GHORPADE & ANR. ..RESPONDENTS

**WITH
WRIT PETITION NO. 3967 OF 2021**

SHETKARI SAHAKARI SANGH LTD. ..PETITIONER
VS.
ANIL RAMRAO GAIKWAD & ORS. ..RESPONDENTS

**WITH
WRIT PETITION NO. 3950 OF 2021**

SHETKARI SAHAKARI SANGH LTD. ..PETITIONER
VS.
ANIL RAMCHANDRA GHORPADE & ORS. ..RESPONDENTS

**WITH
WRIT PETITION NO. 4157 OF 2021**

SHETKARI SAHAKARI SANGH LTD. ..PETITIONER
VS.
VILAS GANGADHAR DHANAL & ORS. ..RESPONDENTS

**WITH
WRIT PETITION NO. 4141 OF 2021**

SHETKARI SAHAKARI SANGH LTD. ..PETITIONER
VS.
SHIVAJI KRUSHNA KARADE & ORS. ..RESPONDENTS

**WITH
WRIT PETITION NO. 4130 OF 2021**

SHETKARI SAHAKARI SANGH LTD. ..PETITIONER
VS.
SHASHIKALA RANGARAO PATIL & ORS. ..RESPONDENTS

**WITH
WRIT PETITION NO. 4128 OF 2021**

SHETKARI SAHAKARI SANGH LTD. ..PETITIONER

VS.
BALAWANT MAHADEV RANMALE & ORS. ..RESPONDENTS

**WITH
WRIT PETITION NO. 3951 OF 2021**

SHETKARI SAHAKARI SANGH LTD. ..PETITIONER
VS.
VIJAY BALKRUSHAN MANE & ORS. ..RESPONDENTS

**WITH
WRIT PETITION NO. 4123 OF 2021**

SHETKARI SAHAKARI SANGH LTD. ..PETITIONER
VS.
SANJAY GAJANAN SASANE & ORS. ..RESPONDENTS.

**WITH
WRIT PETITION NO. 3953 OF 2021**

SHETKARI SAHAKARI SANGH LTD. ..PETITIONER
VS.
SATAPPA JOTI KHARADE & ORS. ..RESPONDENTS

**WITH
WRIT PETITION NO. 4124 OF 2021**

SHETKARI SAHAKARI SANGH LTD. ..PETITIONER
VS.
SATAPPA DNYANU KHADE & ORS. ..RESPONDENTS

**WITH
WRIT PETITION NO. 4146 OF 2021**

SHETKARI SAHAKARI SANGH LTD. ..PETITIONER
VS.
VILAS BAPUSO KURNE & ORS. ..RESPONDENTS

**WITH
WRIT PETITION NO. 4127 OF 2021**

SHETKARI SAHAKARI SANGH LTD. ..PETITIONER
VS.
ANANDA KRUSHNA PATIL & ORS. ..RESPONDENTS

**WITH
WRIT PETITION NO. 4150 OF 2021**

SHETKARI SAHAKARI SANGH LTD.	..PETITIONER
VS.	
SAMPAT VILASRAO INAMDAR & ORS.	..RESPONDENTS

**WITH
WRIT PETITION ST. NO. 12627 OF 2021**

SHETKARI SAHAKARI SANGH LTD.	..PETITIONER
VS.	
KRUSHNANT BHUJANGE SHINGARE & ORS.	..RESPONDENTS

**WITH
WRIT PETITION NO. 4145 OF 2021**

SHETKARI SAHAKARI SANGH LTD.	..PETITIONER
VS.	
PANDURANG NARAYAN MANE DESHMUKH & ORS.	..RESPONDENTS

**WITH
WRIT PETITION NO. 3964 OF 2021**

SHETKARI SAHAKARI SANGH LTD.	..PETITIONER
VS.	
KRUSHANAT BABU TAWADE & ORS.	..RESPONDENTS

**WITH
WRIT PETITION NO. 4156 OF 2021**

SHETKARI SAHAKARI SANGH LTD.	..PETITIONER
VS.	
VASANT MARUTI BIDRIWADI & ORS.	..RESPONDENTS

**WITH
WRIT PETITION NO. 4147 OF 2021**

SHETKARI SAHAKARI SANGH LTD.	..PETITIONER
VS.	
MADHUKAR GANPATI GIJAWANE & ORS.	..RESPONDENTS

**WITH
WRIT PETITION ST. NO. 12632 OF 2021**

SHETKARI SAHAKARI SANGH LTD.	..PETITIONER
VS.	
SATAPPA SHIVAJI HALADKAR AND ORS.	..RESPONDENTS

**WITH
WRIT PETITION NO. 3961 OF 2021**

SHETKARI SAHAKARI SANGH LTD.	..PETITIONER
VS.	
MAHADEV TATOBA TIBILE & ORS.	..RESPONDENTS

**WITH
WRIT PETITION ST. NO. 12634 OF 2021**

SHETKARI SAHAKARI SANGH LTD.	..PETITIONER
VS.	
SHRIPATI LAXMAN DESAI & ORS.	..RESPONDENTS

**WITH
WRIT PETITION ST. NO. 12636 OF 2021**

SHETKARI SAHAKARI SANGH LTD.	..PETITIONER
VS.	
DHONDIRAM ANANDA PATIL & ORS.	..RESPONDENTS

**WITH
WRIT PETITION NO. 4152 OF 2021**

SHETKARI SAHAKARI SANGH LTD.	..PETITIONER
VS.	
BALIRAM DNYANDEO CHANDEKAR & ORS.	..RESPONDENTS.

**WITH
WRIT PETITION NO. 3962 OF 2021**

SHETKARI SAHAKARI SANGH LTD.	..PETITIONER
VS.	
VILAS VYANKATRAO INGALE & ORS.	..RESPONDENTS

**WITH
WRIT PETITION NO. 4151 OF 2021**

SHETKARI SAHAKARI SANGH LTD. ..PETITIONER
VS.
RAVINDRA BALIRAM DESAI AND ORS. ..RESPONDENTS

**WITH
WRIT PETITION NO. 4122 OF 2021**

SHETKARI SAHAKARI SANGH LTD. ..PETITIONER
VS.
CHANDRAKANT YESHWANTRAO CHAVAN & ORS...RESPONDENTS

**WITH
WRIT PETITION NO. 4119 OF 2021**

SHETKARI SAHAKARI SANGH LTD. ..PETITIONER
VS.
SIDHADAPPA MARUTI KURLE & ORS. ..RESPONDENTS

**WITH
WRIT PETITION NO. 4153 OF 2021**

SHETKARI SAHAKARI SANGH LTD. ..PETITIONER
VS.
NIVRUTTI JANARDAN WANDAKAR & ORS. ..RESPONDENTS

**WITH
WRIT PETITION NO. 4121 of 2021**

SHETKARI SAHAKARI SANGH LTD. ..PETITIONER
VS.
VISHWAS PANDURANG CHAUGULE & ORS. ..RESPONDENTS

**WITH
WRIT PETITION ST. NO. 12648 OF 2021**

SHETKARI SAHAKARI SANGH LTD. ..PETITIONER
VS.
VILAS PANDURANG MOHITE & ORS. ..RESPONDENTS

**WITH
WRIT PETITION NO. 4143 OF 2021**

SHETKARI SAHAKARI SANGH LTD. ..PETITIONER

VS.
SURESH RAMCHANDRA AAMANE & ORS. ..RESPONDENTS

**WITH
WRIT PETITION NO. 4132 OF 2021**

SHETKARI SAHAKARI SANGH LTD. ..PETITIONER
VS.
JAYRAM AAPPA CHIMANE & ORS. ..RESPONDENTS

**WITH
WRIT PETITION NO. 3960 OF 2021**

SHETKARI SAHAKARI SANGH LTD. ..PETITIONER
VS.
RAMCHANDRA DNYANDEV SHIPOORE & ORS. ..RESPONDENTS

**WITH
WRIT PETITION NO. 4131 OF 2021**

SHETKARI SAHAKARI SANGH LTD. ..PETITIONER
VS.
UMAJI RAMCHANDRA ULAPE & ORS. ..RESPONDENTS

**WITH
WRIT PETITION NO. 3955 OF 2021**

SHETKARI SAHAKARI SANGH LTD. ..PETITIONER
VS.
SHIVAJI GANAPATI HUJURE & ORS. ..RESPONDENTS

**WITH
WRIT PETITION NO. 4154 OF 2021**

SHETKARI SAHAKARI SANGH LTD. ..PETITIONER
VS.
VISHNU GANGARAM DHONUKSHE & ORS. ..RESPONDENTS

**WITH
WRIT PETITION NO. 3965 OF 2021**

SHETKARI SAHAKARI SANGH LTD. ..PETITIONER
VS.
MARUTI ANANDA KUDALE & ORS. ..RESPONDENTS

**WITH
WRIT PETITION NO. 4148 OF 2021**

SHETKARI SAHAKARI SANGH LTD.	..PETITIONER
VS.	
PRAKASH SHRIPATI PATIL & ORS.	..RESPONDENTS

**WITH
WRIT PETITION NO. 3966 OF 2021**

SHETKARI SAHAKARI SANGH LTD.	..PETITIONER
VS.	
PRAKASH SADASHIV LAMBE & ORS.	..RESPONDENTS

**WITH
WRIT PETITION NO. 4126 OF 2021**

SHETKARI SAHAKARI SANGH LTD.	..PETITIONER
VS.	
ANANT MARUTI WALWEKAR & ORS.	..RESPONDENTS

**WITH
WRIT PETITION NO. 3922 OF 2021**

SHETKARI SAHAKARI SANGH LTD.	..PETITIONER
VS.	
ASHOK JAMBU WARDHAMANE & ORS.	..RESPONDENTS

**WITH
WRIT PETITION NO. 3932 OF 2021**

SHETKARI SAHAKARI SANGH LTD.	..PETITIONER
VS.	
DHONDIRAM HINDURAO PATIL & ORS.	..RESPONDENTS

**WITH
WRIT PETITION NO. 3933 OF 2021**

SHETKARI SAHAKARI SANGH LTD.	..PETITIONER
VS.	
INDUBAI BAPUSO JADHAV & ORS.	..RESPONDENTS

**WITH
WRIT PETITION NO. 3934 OF 2021**

SHETKARI SAHAKARI SANGH LTD.	..PETITIONER
------------------------------	--------------

VS.
CHARUDATTA SHRIRANG PAILWAN & ORS. ..RESPONDENTS

**WITH
WRIT PETITION NO. 4134 OF 2021**

SHETKARI SAHAKARI SANGH LTD. ..PETITIONER
VS.
BHAGAWAN GANPATI PATIL & ORS. ..RESPONDENTS

**WITH
WRIT PETITION NO. 3917 OF 2021**

SHETKARI SAHAKARI SANGH LTD. ..PETITIONER
VS.
PANDURANG SHANKAR SHINDE & ORS. ..RESPONDENTS

**WITH
WRIT PETITION NO. 3926 OF 2021**

SHETKARI SAHAKARI SANGH LTD. ..PETITIONER
VS.
TANAJI PRATAPRAO MANE & ORS. ..RESPONDENTS

**WITH
WRIT PETITION ST. NO. 8217 OF 2021
(NOT ON BOARD. TAKEN ON BOARD)**

SHETKARI SAHAKARI SANGH LTD. ..PETITIONER
VS.
BALIRAM YESHWANT SHINDE & ORS. ..RESPONDENTS

**WITH
WRIT PETITION ST. NO. 8221 OF 2021
(NOT ON BOARD. TAKEN ON BOARD)**

SHETKARI SAHAKARI SANGH LTD. ..PETITIONER
VS.
KRUSHNA BAPUSO JADHAV & ORS. ..RESPONDENTS

**WITH
WRIT PETITION NO. 3921 OF 2021
(NOT ON BOARD. TAKEN ON BOARD)**

SHETKARI SAHAKARI SANGH LTD. ..PETITIONER
VS.

SATURAM APPA PATIL & ORS.

..RESPONDENTS

**WITH
WRIT PETITION ST. NO. 13056 OF 2021
(NOT ON BOARD. TAKEN ON BOARD)**

SHETKARI SAHAKARI SANGH LTD.

..PETITIONER

VS.

SHRIPATI LAXMAN KALAMKAR & ORS.

..RESPONDENTS

**WITH
WRIT PETITION ST. NO. 13057 OF 2021
(NOT ON BOARD. TAKEN ON BOARD)**

SHETKARI SAHAKARI SANGH LTD.

..PETITIONER

VS.

VITTHAL DATTATRAY JADHAV & ORS.

..RESPONDENTS

**WITH
WRIT PETITION ST. NO. 12644 OF 2021
(NOT ON BOARD. TAKEN ON BOARD)**

SHETKARI SAHAKARI SANGH LTD.

..PETITIONER

VS.

NARAYAN SAMBHAJI SHINDE & ORS.

..RESPONDENTS

**WITH
WRIT PETITION ST. NO. 2129 OF 2021
(NOT ON BOARD. TAKEN ON BOARD)**

SHETKARI SAHAKARI SANGH LTD.

..PETITIONER

VS.

VIJAYKUMAR B. DESAI & ORS.

..RESPONDENTS

Mr. S.S. Pakale a/w. Vijay Vaidya i/b. S.M. Katkar for petitioners.
Mr. P.P. Pujari, AGP for the State.
Smt. M.S. Bane, AGP for the State.
Mr. A.P. Vanarse, AGP for the State.
Smt. V.S. Nimbalkar, AGP for the State.
Mr. Amit Singh a/w. Vivek Patil and Mithun Khaire i/b. Abhay
Nevagi & Associates for respondent Nos. 1 in all Petitions.

CORAM : M.S.KARNIK, J.

DATE : SEPTEMBER 3, 2021

ORAL ORDER :

Rule. Rule is made returnable forthwith by consent of the parties and heard finally.

2. As common issues are involved in the present Petitions the same are disposed by a common order.

3. The challenge in these Petitions under Articles 226 and 227 of the Constitution of India is to the judgment and award passed by the Presiding Officer, First Labour Court, Kolhapur whereby the reference is partly allowed. The Labour Court held that the petitioner ('employer' for short) illegally terminated the services of the respondent ('employees' for short) and directed the employer to pay compensation. The employees had crossed the age of retirement (60 years) as per the Model Standing Orders on the date of the impugned order and hence there was no question of reinstatement, hence compensation.

4. The controversy relates to reduction of the age of retirement of employees from 60 years to 55 years. Before the Labour Court, employees contended that the Model Standing

Orders applicable stipulates the age of retirement as 60 years. Without following any procedure prescribed by law, the employer unilaterally reduced the age of retirement to 55 years. According to the employees, though the employer says that the employees stand retired upon attaining the age of 55 years in terms of 'Nokarnama', the same is nothing but illegal termination of the services amounting to otherwise dismissal. According to them, the 'Nokarnama' is contrary to the Model Standing Orders and therefore the same cannot be acted upon. Any action taken under the said 'Nokarnama', which does not have the sanction of law has to be termed 'illegal'.

5. The employees, by a letter addressed to the employer, raised the demand for reinstatement with continuity and back wages. The letter was not replied by the employer. Between the years 2016 and 2018, the employees approached the Conciliation Officer under the provisions of the Industrial Disputes Act, 1947 (hereinafter referred to as 'the said Act' for short). The reference is then made by the State Government for adjudication of the dispute under Section 10 of the said Act to the First Labour Court, Kolhapur. The terms of the reference for adjudication pertain to the illegal termination of the services of the employees by the employer.

6. Before the Labour Court, it was one of the contention of the employer that the reference suffers from delay and laches and therefore hopelessly barred by time. The employer urged that the claim of the employees is stale and hence, the reference deserves to be dismissed on this count alone. According to the employer, the employees accepted the retiral dues without murmur or protest and acquiesced to the action of the employer retiring them at the age of 55 years and hence precluded from raising a challenge to the said action, that too belatedly.

7. The Labour Court was of the opinion, that though the reference is belatedly filed, the dispute was live on the date of the reference and hence deserved to be adjudicated on merits. The plea of delay and laches was turned down.

8. For convenience, the chart which was tendered by the employer at the time of hearing, containing the details of names of the petitioners/employees, Petition number, date of actual retirement at reduced age (55 years), date of retirement (60 years) as per Model Standing Orders, date of letter addressed to the Conciliation Officer and the date of reference is reproduced below:-

SR.	NAME OF THE PETITIONER	PETITION	DATE OF	WHEN 60 YRS	DATE OF	DATE OF
-----	------------------------	----------	---------	-------------	---------	---------

NO.		NO.	ACTUAL RETIREMENT AT 55 YRS. OF AGE	ARE COMPLETED	LETTER TO CONCILIATION OFFICER	REFERENCE
1	BABAURAO K. HAJARE	ST. 1464 OF 2021	30-04-2006	30/04/2011	26-03-2017	21-07-2018
2.	DATTARAY HINDURAO YADAV	W.P.NO. 3779 OF 2021	25/12/2006	25/12/2011	19/09/2016	21/07/2018
3.	SUDHAKAR SHANKAR MALI	ST. 1629/2021	31/05/2009	31/05/2014	29/12/2016	21/07/2018
4.	GANPATI BHAU KAMBLE	ST. 1631/2021	25/05/2009	25/05/2009	03/10/2018	30/07/2018
5.	MANGAL VASANT KHARAPE	ST. 1639/2021	31/05/2014	31/05/2018	13/10/2016	21/07/2018
6.	BALKRISHNA GOVIND SHINDE	ST. 2095/2021	15/08/2014	15/08/2014	15/05/2017	2018
7.	BANDU BABASO LOKHANDE	ST. 1647/2021	13/04/2012	13/04/2016	27/12/2017	2018
8.	ISHWARA VITHOBA DHOKARE	ST. 1644/2021	29/02/2012	29/02/2016	13/02/2017	21/07/2018
9.	SHARAD BALAPPA RATNAPGOL	741/2021	30/09/2005	30/09/2011	17/10/2016	21/07/2018
10.	BALASO DAGADU KHAMKAR	740/2021	01/04/2011	04/04/2016	18/08/2017	21/07/2018
11.	VIJAYKUMAR BHAUSO DESAI	ST. 2129/ 2021	01/06/2008	01/06/2013	21/10/2016	21/07/2018
12.	SARJERAO RAMCHANDRA NIMBALKAR	ST. 2116/2021	03/06/2013	03/06/2017	13/10/2016	21/07/2018
13.	SANTAJI RAMRAO GHORPADE	ST. 2106/2021	19/05/2003	19/05/2008	03/10/2016	30/07/2018
14.	NARHARI KRISHNAJI KULKARNI	ST. 2108/2021	21/02/2005	21/02/2011	09/09/2018	21/07/2018
15.	SHEKARCHAND DADASO CHARATE	ST. 2075/2021	14/10/1999	14/10/2004	2017	21/07/2018
16.	ASHA ANANT LOHAR	738/2021	31/05/2014	31/05/2019	24/10/2016	21/07/20018
17.	ANIL DNYANDEV KUMBHAR	ST. 2354/2021	31/05/2012	31/05/2017	19/09/2016	21/07/2018
18.	LILABAI VASANTRAO YADAV	St.3230/2021	25/05/2007	25/05/2012	29/09/2016	30/07/2018
19.	MAHPATI ANANDA POL	St.3233/2021	31/05/2007	31/05/2012	13/12/2017	21/07/2018
20.	RAMA BALU KUMBHAR	737/2021	31/10/2009	31/10/2014	19/09/2016	21/07/2018
21.	PUNDALIK BHARAMU BOKADE	ST. 2353/2021	30/05/2011	30/05/2016	26/12/2016	21/07/2018
22.	ARUN RAMCHANDRA AMANE	739/2021	07/03/2009	07/03/2014	13/02/2017	21/07/2018
23.	SHIVAJI ESHWARA PURIBUWA	ST. 2100/2021	31/05/2011	31/05/2016	19/09/2016	21/07/2018

24.	PRATAP JAYSING GHORPADE	ST. 2097/2021	07/07/2008	07/07/2013	24/10/2016	30/07/2018
25.	PANDIT DHONDIRAM KHAMKAR	ST. 2358/2021	30/04/2009	30/04/2014	19/08/2017	21/07/2018
26.	DHANAJI YASHWANT VICHARE	ST. 2465/2021	14/06/2012	14/06/2017	23/05/2017	21/07/2018
27.	NARAYAN SHATAPPA BHANDURGE	ST. 2458/2021	21/02/2005	21/02/2011	19/09/2016	21/07/2018
28.	MARUTI BABU KOLI	ST.3224 /2021	31/05/2013	31/05/2018	05/12/2018	21/07/2018
29.	NAMDEV PANDURANG BHOPALE	ST. 2456/2021	21/02/2005	21/02/2010	13/12/2016	21/07/2018
30.	PANDURANG RAMKRUSHNA PISE	ST. 2375/2021	21/02/2005	21/02/2010	03/10/2016	21/07/2018
31.	VILAS GANGADHAR DHANAL	4157/2021	17/08/2000	17/08/2006	2018	2018
32.	SHIVAJI KRUSHNA KHARADE	3953/2021	31/05/2007	31/05/2012	2018	2018
33.	SHASHIKALA RANGRAO PATIL	4130/2021	21/02/2005	21/02/2010	2017	2017
34.	BALWANT MAHADEO RANMALE	4128/2021	14/10/2009	14/10/2014	2018	2018
35.	VIJAY BALKRUSHNA MANE	3951/2021	01/01/2014	01/01/2019	2018	2018
36.	SANJAY GAJANAN SASANE	4123/2021	13/07/2012	13/07/2017	2018	2018
37.	SATAPPA JOTI KHARADE	3953/2021	21/02/2005	21/02/2010	2018	2018
38.	SATAPP ADNYANU KHADE	4124/2021	05/06/2010	05/06/2015	2018	2018
39.	VILAS BABUSO KURNE	4146/2021	30/04/2005	30/04/2010	2018	2018
40.	ANANDA KRISHNA PATIL	4150/2021	08/04/2004	08/04/2009	2018	2018
41.	SAMPAT VILASRAO INAMDAR	ST. 1226/2021	03/05/2012	03/05/2017	2018	2018
42.	KRUSHNANT BHUJANGE SHINGARE	ST. 12627/2021	14/05/2006	14/05/2011	2018	2018
43.	PANDURANG NARAYAN MANE-DESHMUKH	4145/2021	12/08/2005	12/08/2010	2018	2018
44.	KRUSHNANT BABU TAWADE	3964/2021	31/05/2007	31/05/2012	2018	2018
45.	VASNAT MARUTI BIDRWADI	4156/2021	14/10/2006	14/10/2011	2018	2018
46.	MADHUKAR GANPATI GIJWANE	4147/2021	21/02/2005	21/02/2010	2018	2018
47.	SATAPPA SHIVAJI HALADKAR	ST. 12632/2021	01/06/2006	01/06/2011	2018	2018
48.	MAHADEV TATOBA TIBILE	3961/2021	21/02/2005	21/02/2010	2018	2018

49.	SHRIPALAXMAN DESAI	ST. 12634/2021	30/05/2009	30/05/2014	2018	2018
50.	DHONDIRAM ANANTA PATIL	ST. 12636/2021	29/05/2014	29/05/2019	2018	2018
51.	BALIRAM DNYANDEV CHANDEKAR	4152/2021	31/03/2009	31/03/2014	2016	2016
52.	VILAS VYANKATRAO INGALE	3962/2021	21/02/2005	21/02/2010	2018	2018
53.	RAVINDRA BALIRAM DESAI	4151/2021	01/11/2014	01/11/2019	2018	2018
54.	CHANDRAKANT YASHWANT CHAVAN	4122/2021	21/02/2005	21/02/2010	2016	2016
55.	SIDHAPPA MARUTI KURLE	4119/2021	29/11/2008	29/11/2011	2016	2016
56.	NIVRUTTI JANARDHAN WANDAKAR	4153/2021	01/06/2009	01/06/2014	2016	2016
57.	NARAYAN SAMBHAJI SHINDE	ST. 12644/2021	11/12/2008	11/12/2014	2018	2018
58.	VISHWAS PANDURANG CHUGULE	4121/2021	10/06/2012	10/06/2017	2016	2016
59.	VILAS PANDURANG MOHITE	ST. 12648/2021	14/01/2006	14/01/2011	2016	2016
60.	SURESH RAMCHANDRA AMANE	4143/2021	21/02/2005	21/02/2010	2018	2018
61.	JAYRAM APPA CHIMANE	4132/2021	30/03/1999	30/03/2004	2018	2018
62.	RAMCHANDRA DNYANDEV SHIPURE	3960/2021	21/02/2005	21/02/2010	2018	2018
63.	UMAJI RAMCHANDRA ULAPE	4131/2021	07/04/2008	07/04/2013	2017	2017
64.	SHIVAJI GANPATI HUJURE	3955/2021	07/08/2007	07/08/2012	2018	2018
65.	VISHNU GANGARAM DHONUKSHE	4154/2021	31/05/2010	31/05/2015	2017	2017
66.	MARUTI ANANTA KUDALE	3965/2021	21/02/2005	21/02/2010	2018	2018
67.	PRAKASH SHRIPATI PATIL	4148/2021	04/04/2009	04/04/2014	2017	2017
68.	PRAKASH SADASHIV LAMBE	3966/2021	31/05/2012	31/05/2017	2018	2018
69.	ANANT MARUTI WALWEKAR	4126/2021	16/06/2006	16/06/2011	2016	2016
70.	ASHOK JAMBU WARDHMANE	3922/2021	21/02/2005	21/02/2010	2018	2018
71.	SATURAM APPA PATIL	ST. 12902/2021	10/02/2010	10/02/2015	2018	2018
72.	DHONDIRAM HINDURAO PATIL	3932/2021	31/05/2006	31/05/2011	2016	2016
73.	INDUBAI BAPUSO JADHAV	3933/2021	25/06/2004	25/06/2009	2016	2016

74.	CHARUDATTA SHIRIRANG PAILWAN	3934/2021	30/05/2002	30/05/2007	2016	2016
75.	SHRIPATI LAXMAN KALAMKAR	ST. 13056/2021	09/06/2008	09/06/2013	2018	2018
76.	VITTHAL DATTARAY JADHAV	ST. 13057/2021	09/07/2015	09/07/2020	2017	2017
77.	BHAGWAN GANPATI PATIL	4134/2021	31/05/2006	31/05/2011	2018	2018
78.	PANDURANG SHANKAR SHINDE	3917/2021	21/02/2005	21/02/2010	2018	2018
79.	TANAJI PRATAPRAO MANE	3926/2021	31/05/2012	31/05/2017	2018	2018
80.	SATTAPPA ALIAS SATISH RAMCHANDRA BACHANKAR	3949/2021	31/07/2010	31/07/2015	-	-
81.	SUBHASH BANDU AADAKE	ST. 11976/2021	18/10/2001	18/10/2006	-	-
82.	BAPU SAYYAD BAHURUPI	ST. 11979/2021	09/06/2010	09/06/2015	-	-
83.	VILAS BALWANT GURAV	ST. 11981/2021	21/02/2005	21/02/2010	2018	2018
84.	RAMCHANDRA DAULAT MALAVI	3945/2021	13/10/2005	13/10/2010	2018	2018
85.	MOHAN RAWAJI SURYAWANSHI	3956/2021	15/04/2008	15/04/2013	2018	2018
86.	ASHOK GANAPATI GHORPADE	3957/2021	21/02/2005	21/02/2010	2018	2018
87.	ANIL RAMRAO GAIKWAD	3967/2021	04/01/2010	04/01/2015	2018	2018
88.	ANIL RAMCHANDRA GHORPADE	3950/2021	13/12/2005	13/12/2010	2018	2018
89.	PRABHAWATI PRAKASH DESAI	W.P.NO. 3913 OF 2021	15/06/2012	15/06/2017	2016	13/12/2016
90.	RAJARAM YESHWANT JADHAV	W.P.NO. 3915 OF 2021	25/01/2006	25/01/2011	2018	21/07/2018
91.	KRUSHNA BAAPUSO JADHAV	W.P.ST.NO. 8221 OF 2021	31/05/2006	31/05/2011	2018	21/07/2018
92.	PANDURANG DATTU MORBALE	W.P.NO. 3916 OF 2021	31/05/2004	31/05/2009	2018	21/07/2018
93.	KERABA BAPURAO JAMBHALE & ORS.	W.P.NO. 4366 OF 2021	01/06/2013	01/06/2018	2018	30/07/2018
94.	SARJERAO TUKARAM WADKAR	W.P.NO. 3911 OF 2021	08/05/2003	08/05/2008	2018	-
95.	NAJIR APPALAL MULLA	W.P.NO. 3912 OF 2021	31/05/2012	31/05/2017	29/09/2016	-
96.	BALIRAM YESHWANT SHINDE	W.P.ST.NO. 8217 OF 2021	21/02/2005	21/02/2010	24/10/2016	-
97.	RAMCHANDRA ARJUN MANE	W.P.NO. 3914 OF 2021	11/02/2003	11/02/2008	26/04/2017	-
98.	DADASO DATTOBA SATHE	W.P.ST. NO. 11878 OF 2021	31/05/2007	31/05/2012	2018	-

99.	DHONDIRAM DNYNU PATIL	W.P.NO. 3927 OF 2021	07/04/2010	07/04/2015	2018	-
100.	RATNAMALA SHANKAR CHAUDHARI	W.P.NO 3973 OF 2021	10/12/2012	10/12/2017	2016	-
101.	SUSHILA VASANTRAO PATIL	W.P. NO. 3936 OF 2021	03/05/2008	03/05/2013	07/07/2017	-
102.	AJIT ABASO PATIL	W.P. NO. 3937 OF 2021	31/03/2014	31/03/2019	2017	-
103.	HAIBATI GANPATI RAMOSHI	W.P.NO. 3935 OF 2021	03/03/2004	03/03/2009	30/06/2017	-
104.	PANDURANG BALKU SHINDE	W.P.NO. 3938 OF 2021	31/05/2006	31/05/2011	07/07/2017	-
105.	BALASO TUKARAM PATIL	W.P.ST.NO.118 85 OF 2021	05/07/2007	05/07/2012	2018	-
106.	NAMDEV MAHIPATI DESAI	W.P. 3943 OF 2021	30/04/2006	30/04/2011	2017	-
107.	RAJARAM DADASO KOTHAWALE	W.P.NO. 3940 OF 2021	19/04/2009	19/04/2014	26/12/2015	--
108.	MANSUR BADSHAHA SANADI	W.P.NO. 3944 OF 2021	18/05/2011	18/05/2016	30/06/2017	-
109.	DHULAPPA RAMCHANDRA KHOLAPE	W.P.NO. 4003 OF 2021	06/01/2014	06/01/2019	07/07/2017	-
110.	BANUBAI PANDURANG SAWANT	W.P.NO. 3942 OF 2021	02/06/2010	02/06/2015	07/07/2016	-
111.	BABASO PARSHURAM PATIL	W.P. NO. 3941 OF 2021	31/05/2006	31/05/2011	2018	-
112.	NANDKUMAR VITTHAL GAWANKAR	W.P.ST.NO.119 01 OF 2021	28/11/2011	28/11/2016	2017	-
113.	SADASHIV RAMCHANDRA CHAUDHARI	W.P. ST.NO. 11902 OF 2021	21/02/2005	21/02/2010	2017	-
114.	KRUSHNA SHANKAR MALKAR	W.P.ST.NO. 11903 OF 2021	18/08/2004	18/08/2009	2017	-
115.	TAJUDDIN ABDUL MANER	W.P. NO. 3925 OF 2021	01/10/2011	01/10/2016	2017	-
116.	ASHOK DUNDAPPA SHINTRE	W.P.ST.NO.119 06 OF 2021	31/05/2012	31/05/2017	12/05/2016	-
117.	SHIVAJI RAMU DESAI	W.P.NO. 3924 OF 2021	31/05/2008	31/05/2013	2018	-

118.	GUNDU RAVAJI BHUEMBAR	W.P.NO. 3931 OF 2021	31/05/2005	31/05/2010	2017	-
119.	FATTESINGH DATTARAY CHAVAN	W.P.ST.NO. 11909 OF 2021	21/02/2005	21/02/2010	2018	-
120.	ANANDA SHRIPATI CHOUGULE	W.P. NO.3929 OF 2021	21/02/2005	21/02/2010	2018	-
121.	JAYSING SADU SHENDAGE	W.P.ST.NO. 11911 OF 2021	21/02/2005	21/02/2010	30/06/2017	-
122.	BHAIRU RAMCHANDRA NAIK	W.P.NO.3920 OF 2021	21/02/2005	21/02/2010	2018	-
123.	DATTU RAWAJI PATIL	W.P.ST.NO. 11914 OF 2021	06/12/2004	06/12/2009	2017	-
124.	PRAKASH BABASO SHINDE	W.P.NO.3928 OF 2021	13/11/2013	13/11/2018	2017	-
125.	RAJARAM GOVIND KAMBLE	W.P.NO. 3995 OF 2021	01/02/2008	01/02/2013	2017	-
126.	SURYKANT PANDURANG NIMBALKAR	W.P.NO. 3919 OF 2021	14/05/2013	14/05/2018	2018	-
127.	BALASO RAMCHANDRA JADHAV	W.P.NO.3918 OF 2021	01/06/2011	01/06/2016	2017	-
128.	BABASAHEB SADASHIV PATIL	W.P.NO.4004 OF 2021	18/05/2011	18/05/2016	2018	-
129.	MADHAVRAO KRUSHNRAO KATKAR	W.P.NO.3948 OF 2021	28/11/2009	28/11/2014	2016	-
130.	GANAPATI RAMCHANDRA GHATGE	W.P.NO.4005 OF 2021	31/05/2013	31/05/2018	12/05/2016	-
131.	SHAMRAO KRUSHNAJI PATIL	W.P.ST.NO. 11967 OF 2021	20/12/2005	20/12/2010	2018	-
132.	DHONDIRAM BABU HALWANKAR	W.P.NO. 3947 OF 2021	30/04/2008	30/04/2013	2018	-
133.	SHAMRAO ANNASAHEB SARNOBAT	W.P.NO.3958 OF 2021	21/02/2005	21/02/2010	2018	-
134.	ANNASO NAMDEV PATIL	W.P.NO. 3946 OF 2021	21/02/2005	21/02/2010	2018	-
135.	RANGRAO TUKARAM PATIL	W.P.ST.NO.11973 OF 2021	01/06/2009	01/06/2014	2018	-
136.	MAKBUL SIKANDAR ROHILE	W.P.ST.11983 OF 2021	12/05/2006	12/05/2011	2018	-

137.	BAJIRAO VITHTHAL PATIL	W.P.NO.3939 OF 2021	31/05/2009	31/05/2014	2018	-
138.	MASJID YUNUS MULLA	W.P.ST.NO.119 89 OF 2021	30/04/2006	30/04/2011	2018	
139.	RAMCHANDRA BABURAO MALI	1635 OF 2021	30/04/2011	30/04/2016	29/12/2016	2018

9. A glance at this chart would reveal the date of retirement of the employees on attaining 55 years of age as per the 'Nokarnama'. In majority of the cases, the employees approached the Conciliation Officer, for the first time after they had completed 60 years of age (retirement age as per Model Standing Orders). Further, these employees approached the Conciliation Officer with their grievance belatedly, between the period of 5 to 19 years since the date of their retirement at the age of 55 years.

10. In respect of employees at Serial Nos.5, 6, 12, 16, 26, 35, 50, 53, 58, 76, 89, 95, 100, 102, 109, 116, 124 and 130, these employees approached the Conciliation Officer between the period from 2 to 5 years from the date of their retirement as per the 'Nokarnama' at the age of 55 years.

**SUBMISSIONS OF LEARNED COUNSEL MR. PAKALE AND
MR. VAIDYA FOR THE PETITIONER - EMPLOYER**

11. Assailing the order of the Labour Court, it is contended that the reference suffered from delay and laches. The Labour Court committed an error in entertaining a stale claim. In most of the cases, though the employees stood retired upon attaining the age of 55 years as per the 'Nokarnama', however, they approached the Conciliation Officer only after they attained the age of 60 years (age of retirement as per the Model Standing Orders). The employees stood retired as per 'Nokarnama' at the age of 55 years, and admittedly, the employees accepted the retiral benefits without murmur or protest and therefore the 'employer and employee' relationship came to an end. The dispute had to be live on the date of the reference. It is only a live dispute on the date of reference which can be referred for adjudication. The 'employer-employee' relationship no more was in existence. The employees are fence-sitters who approached the Conciliation Officer with a demand only after another set of employees succeeded before the Labour Court. The Labour Court is in error in proceeding on the footing that the decision in respect of another set of employees who had succeeded is a judgment in rem. The employees upon accepting retiral benefits and having slept over their rights for so long years, have by their

conduct waived their right to claim any relief and virtually acquiesced to the action taken by the employer. Reliance is placed on the decisions of the Hon'ble Supreme Court in the case of **State of Uttar Pradesh and others vs. Arvind Kumar Srivastava and others**¹ and **Prabhakar vs. Joint Director, Sericulture Department and another**².

SUBMISSIONS OF LEARNED COUNSEL FOR THE RESPONDENTS:-

12. Learned counsel for the respondents – employees invited my attention to the findings of the Labour Court to contend that the well considered order of the Labour Court does not call for any interference. It is submitted that the Labour Court was right in holding that the action of retiring the employees on the basis of the 'Nokarnama' is illegal, being contrary to the provisions of the Model Standing Orders and hence, the dispute is rightly regarded as a live one on the date of reference. The Model Standing Orders prevail over the 'Nokarnama'. The reduction of age of retirement from 60 years to 55 years does not have a sanction of law. The Union, of which present employees are members, while representing another set of employees, succeeded in establishing that the age of retirement has to be in

1 (2015) 1 SCC 347

2 (2015) 15 SCC 1

consonance with the Model Standing Orders and consequently the Labour Court declared the action of the employer in retiring the employees at a lesser age as illegal. Once the very genesis of the dispute viz. action of reducing the age of retirement is declared illegal, though in a different proceeding, the employer on his own ought to have extended the benefit thereof to these employees as well. According to him, a reference under Section 10 of the said Act can be filed at any time and a mere delay in approaching the Labour Court can never be to the detriment of the employees. The Labour Court has, in lieu of reinstatement, granted compensation by moulding the relief. Reliance is placed on the decisions of the Apex Court in the case of **Director, Food and Supplies, Punjab and another vs. Gurmit Singh**³ to contend that the Tribunal or the Labour Court cannot invalidate the reference on the ground of delay. Further, reliance is placed on the decision of the Apex Court in the case of **Mahavir Singh vs. U.P. State Electricity Board and others**⁴ to contend that once the termination is held to be illegal, the entire reference cannot be rejected. If a belated claim is made, the relief of back-wages can appropriately be moulded.

3 (2007) 5 SCC 727

4 (1999) 9 SCC 178

13. Heard learned counsel. Perused the Petitions, Exhibits and the impugned orders.

14. On the basis of the 'Nokarnama', the employees stood retired at the age of 55 years. The Model Standing Orders provide for the age of retirement as 60 years. The employees admittedly accepted all the retirement benefits without murmur or protest. This group concerns two set of employees. As indicated earlier, the first set is in respect of those employees who have raised the demand after they attained the age of 60 years and almost after 5 to 19 years of their retirement. So far as the second set of employees is concerned, these employees have raised the demand post 2 years or more after their retirement at the age of 55 years but before attaining the age of 60 years as per the Model Standing Orders.

15. The contention of the employer is that having accepted the retiral dues, the employees acquiesced to the factum of retirement and consequently waived their right to contend that the retirement amounts to otherwise dismissal being contrary to the Model Standing Orders. According to the employer, the live link of 'employer-employee' relationship has snapped and hence there is no question of 'employer-employee' relationship in

existence giving a cause for raising a dispute. The delay and laches in raising the demand only strengthens the employer's case that there is no live link of 'employer-employee' relationship, is the submission of learned counsel.

16. The Labour Court referred to paragraph 20 of the statement of claim to consider whether the reference is barred by law of limitation or not. The employees explained delay and laches in paragraph 20 of the statement of claim. The affidavit of examination-in-chief reiterates the contention in paragraph 20 of the statement of claim. The Labour Court recorded that the employee admitted in cross examination that the dispute was raised in the beginning of the year, 2016. The employee admitted that it was towards the end of the year 2015, that he came to know about the other workers succeeding in their complaints filed against the employer. The employee denied that he was waiting for the result of the complaints by other workers. The employee further admitted that from the date of retirement till raising of present dispute, no complaint was made about the illegal termination. It is further admitted that the employee had received and accepted the post retiral benefits. The Labour Court further observed that no documentary evidence was produced by the employee to show that he had along with other workers

approached the higher authorities of the employer. The Labour Court observed that the admission given by the employee in his cross examination clearly shows that the employee did not complain to the employer about the illegal termination till raising of the industrial dispute. The Labour Court observed that the employee has not examined any independent witness or co-worker to show that he has been requesting the employer time and again for settlement of dispute but employer did not pay attention to the request made by the employee. Having observed thus, the Labour Court, however, formed an opinion that it was the duty of the employer to reply the letter of the second party and settle the dispute amicably.

17. In paragraph 33 the Labour Court held that considering the admissions given in the cross examination and evidence on record, the employee was not successful in proving the contents of statement of claim as regards the explanation about delay and laches in raising the industrial dispute. Nonetheless, the Labour Court proceeded to hold that even if the employee was not successful in establishing the case made out in the statement of claim so far as delay and laches are concerned, the issue of delay and laches can be considered from a different angle in view of the judgments of the Hon'ble Supreme Court, having regard to

the provisions of Section 10 of the said Act.

18. The Labour Court then in paragraph 35 considers the question whether the dispute was a live one when the same was referred to the Court. While interpreting the words “at any time” occurring in Section 10 of the said Act, the Labour Court relied upon the decision of the Apex Court in **Prabhakar’s** case (supra) to observe that the real test is the existence of a dispute on the date of reference for adjudication. The Labour Court in the present facts was of the opinion that the dispute was alive when the decision was taken to refer the matter for adjudication. It is observed that the dispute before the Conciliation Officer was in respect of terms of employment and termination of employment. While holding the dispute to be a live one, the Labour Court relied on two factors. The first one is that the retirement was contrary to the Model Standing Orders and that the statutory provisions will prevail over any administrative order (Nokarnama) of the employer. Secondly, the Labour Court holds that though a demand was raised by the employee, the employer has merely raised the defence that the employee has no right whatsoever and that he is legally retired. The employer overlooked the fact that the another set of employees had succeeded in establishing that the action of retiring employees below the age stipulated by

the Model Standing Orders is illegal and hence this being the term of employment, the dispute is very much in existence on the date of reference, consequently, delay and laches will not come in the way of the employees seeking relief. Thus, though the Labour Court held the explanation for delay and laches offered by the employees is not satisfactory, but, nonetheless came to the conclusion that the dispute being in existence, the reference does not suffer from delay and laches. It would be material to reproduce paragraphs 38, 39 and 40 of the reasoning of the Labour Court which read thus :

“38. Facts emerges from the case before me that, second party raised dispute for illegal termination from the service in view of the Nokarnama. First Party has admitted that Model Standing Orders are applicable to the First Party Sangh. In such circumstances, statutory provisions will prevail over any administrative order of First Party. First Party has not produced any documentary evidence to show that the resolution to reduce the age of employee was not in contravention of provisions of Model Standing Orders. First Party has not even shown as to how the resolution to reduce the age of retirement was legal. In spite of specific demand before conciliation officer for reinstatement, First Party has merely said that Second Party had no right of job and he is legally retired from the job. It is pertinent to note that when present dispute was raised, first party was well aware of the fact that upto Hon’ble Supreme Court, first party was not succeeded in proving their defence in other cases of retiring the employees by reducing their age was concurrently held to be illegal by various Courts of Law. Instead of obeying the court order, first party preferred to not to settle the dispute. The said fact in my opinion shows that dispute was not settled and same was alive.

39. First Party was well aware of the Judgment of Hon’ble Bombay High Court which is decided against them on the same issue involved in the present reference. In writ petition No.8060/2006 between Shetkari Sahakari Sangh Ltd Vs. Kolhapur zilla Sahakari Nokar Union, it was observed that “Both, the Labour Court and the Industrial Court in my view, have cogent reasons allowed the complaints. Both the courts below held that the Model Standing Orders apply to the workman and the age of retirement

could not have been reduced to 58 years.” It is fact that in other cases filed under the provisions of MRTU and PULP Act, Labour Court and Hon’ble Industrial Court has held that First Party has engaged in unfair labour practice by reducing the age of employees in contravention of Model Standing Orders. First Party is also aware of the Judgment delivered in Writ Petition No. 5081 of 2015 wherein it was observed by the Hon’ble Bombay High Court that “The petitioner had thereafter approached this court against the order by filing Writ Petition No.8060 of 2006. The Writ Petition was dismissed by reasoned order dt. 21st August 2007. Further in Para-4 of the said writ petition Hon’ble Bombay High Court was disappointed on the conduct of the First Party Sangh who was petitioner in the above writ petition and it was observed that “In that circumstances, it was in-fact necessary for the petitioner to accept the order and reinstate the employees in service with full back wages. Instead of taking corrective action, the petitioner not only challenged the order before Industrial court but has carried it further to this court. The petitioner is therefore not entitled to be heard in the matter and it’s petition is liable to be dismissed with costs for unnecessarily dragging the respondents to the court”.

40. From the above facts and conduct of First Party now it can be said that this is the third time, whereupon First Party has reduced the age of Second Party in contravention of Model Standing Orders and inspite of obeying the orders and judgment of Hon’ble Bombay High Court preferred to not to settle the industrial dispute. Therefore, in my opinion, for the obvious reason as above mentioned the argument of the First Party that the dispute was not alive has to be discarded as the same being devoid of merits. It is the First Party who was responsible and who had disturbed industrial harmony by not obeying the orders of Hon’ble Higher Court. Had the First Party settled the dispute by giving reinstatement by following the provisions of Model Standing Orders, question of industrial dispute would not have taken place.”

(emphasis supplied by me)

19. The findings reveal that the Labour Court took into consideration the decisions of the Court in respect of another set of employees who approached the Labour Court by filing a complaint of unfair labour practice under Maharashtra Recognition of Trade Unions and Prevention of Unfair Labor Laws Practices Act, 1971 (hereinafter referred to as ‘MRTU and PULP Act’ for short).

20. Admittedly, after the employer retired the employees at the age of 55 years, the retiral benefits were paid to the employees which came to be accepted without murmur or protest. There is a delay of 2 years to 19 years, as the chart containing details of individual employees would indicate, in approaching the Conciliation Officer. The Labour Court's approach in arriving at the conclusion that the dispute is alive and has not become stale, only because similarly situated employees had succeeded in their challenge before the Labour Court does not appear to be correct. The approach appears to be that as the other set of employees succeeded, the decision of the Court has to be regarded as a judgment in rem and hence the employer should have settled the dispute by giving reinstatement in view of the provisions of the Model Standing Orders. In the case of **Prabhakar**, it has been held that although there is no limitation prescribed under the Act for making a reference under Section 10(1) of the ID Act, yet it is for the "appropriate Government" to consider whether it is expedient or not to make the reference. The words "at any time" used in Section 10(1) do not admit of any limitation in making an order of reference and laws of limitation are not applicable to proceedings under the ID Act. However, the policy of industrial adjudication is that very stale claims should not be generally encouraged or

allowed inasmuch as unless there is satisfactory explanation for delay as, apart from the obvious risk to industrial peace from the entertainment of claims after long lapse of time, it is necessary also to take into account the unsettling effect which it is likely to have on the employers' financial arrangement and to avoid dislocation of an industry. In paragraph 28 Their Lordships observed thus :

“28. The aforesaid case law depicts the following :

28.1 The law of limitation does not apply to the proceedings under the Industrial Disputes Act, 1947.

28.2. The words “at any time” used in Section 10 would support that there is no period of limitation in making an order of reference.

28.3. At the same time, the appropriate Government has to keep in mind as to whether the dispute is still existing or live dispute and has not become a stale claim and if that is so, the reference can be refused.

28.4. Whether dispute is alive or it has become stale / non-existent at the time when the workman approaches the appropriate Government is an aspect which would depend upon the facts and circumstances of each case and there cannot be any hard-and-fast rule regarding the time for making the order of reference.”

21. Further in the case of **State of Uttar Pradesh and others** (supra), the Apex Court summed up the legal principles as regards entitlement of benefit of judgment in rem with intention to benefit all similarly situated persons irrespective of whether they had approached Court or not. In paragraph 22, the legal principles are summed up as under :

“22.1 The normal rule is that when a particular set of employees is given relief by the Court, all other identically situated persons need to be treated alike by extending that benefit. Not doing so would amount to discrimination and would be violative of Article 14 of the Constitution of India. This principle needs to be applied in service

matters more emphatically as the service jurisprudence evolved by this Court from time to time postulates that all similarly situated persons should be treated similarly. Therefore, the normal rule would be that merely because other similarly situated persons did not approach the Court earlier, they are not to be treated differently.

22.2. However, this principle is subject to well-recognized exceptions in the form of laches and delays as well as acquiescence. Those persons who did not challenge the wrongful action in their cases and acquiesced into the same and woke up after long delay only because of the reason that their counterparts who had approached the Court earlier in time succeeded in their efforts, then such employees cannot claim that the benefit of the judgment rendered in the case of similarly situated persons be extended to them. They would be treated as fence-sitters and laches and delays, and/or the acquiescence, would be a valid ground to dismiss their claim.

22.3. However, this exception may not apply in those cases where the judgment pronounced by the Court was judgment in rem with intention to give benefit to all similarly situated persons, whether they approached the Court or not. With such a pronouncement the obligation is cast upon the authorities to itself extend the benefit thereof to all similarly situated person. Such a situation can occur when the subject matter of the decision touches upon the policy matters, like scheme of regularisation and the like (see K.C. Sharma v. Union of India). On the other hand, if the judgment of the Court was in personam holding that benefit of the said judgment shall accrue to the parties before the Court and such an intention is stated expressly in the judgment or it can be impliedly found out from the tenor and language of the judgment, those who want to get the benefit of the said judgment extended to them shall have to satisfy that their petition does not suffer from either laches and delays or acquiescence.”

(emphasis supplied by me)

22. Their Lordships held that the principle of extending these benefits given by the Court to similarly situate employees needs to be applied more emphatically in service matters. The principle is subject to well recognised exceptions in the form of laches and delays and acquiescence. However, the exception may not apply where the judgment pronounced by the Court is a judgment in

rem with intention to give benefit to similarly situated persons, whether they approached the Court or not. It is to be kept in mind that the decision in **State of Uttar Pradesh and others** is in the context of service jurisprudence contending violation of Article 14 of the Constitution of India. No doubt we are concerned with the delay and laches in the context of Labour Legislation. Let me test the order of the Labour Court in the light of the principle laid down by the Apex Court in **State of Uttar Pradesh and others**. The relevant portion of the Labour Court's order in Clause 6 of paragraph 44 reads thus :-

"It is pertinent to note that initially Kolhapur Zhillah Sahakari Nogar Union filed complaints against the First Party alleging unfair labour practice. Labour Court decided the complaints against the First Party and directed to reinstate the members of union with back wages. First Party therefore preferred the petition No. 5081 of 2015 against the union. The said union is recognized union in the First Party. Therefore, it is obvious that the judgment of Hon'ble High Court is applicable to all the members of the union even though they have not approached the court. I am of the considered view that, after the pronouncement of judgment by Hon'ble Bombay High Court, and Hon'ble Supreme Court, First party ought to have extended the benefits to all similarly situated persons like Second Party workman in the present reference. Also first party has not shown to me, how the judgment of Hon'ble Bombay High Court where the Recognized union was made party to the petition, can be termed as judgment in personam instead of judgment in rem."

23. According to the Labour Court, in view of the order passed by this Court in Writ Petition No. 8060 of 2006 and Writ Petition No. 5081 of 2015 as confirmed by the Hon'ble Supreme Court, the employer ought to have extended the benefits to all similarly situated persons like present employees as well. The Labour

Court has observed that the employer has to show how the judgment of this Court where the recognized union was made party to the petition, can be termed as judgment in personam instead of judgment in rem. This approach of the Labour Court is erroneous. In my opinion, it was for the employees to have established that the decision of the Court in respect of similarly situated employees is a judgment in rem, for it is the case of the employees before the Labour Court that as similarly situated employees have succeeded in complaints of unfair labour practice before the Labour Court, the benefits of said decision should be extended to the present employees as well. The Labour Court has not at all referred to the order passed by the Labour Court in the Complaint (ULP) No. 31 of 2005 and Complaint (ULP) No. 87 and 100 of 1999 filed by the similarly situated employees under Item 1 of Schedule IV of MRTU and PULP Act while arriving at a conclusion that the decision of the Court is in rem with intention to give benefit to all similarly situated persons, whether they approached the Court or not. Reference is only made to the decision of this Court. In the affidavit-in-reply filed on behalf of the employees, the decision of this Court in Writ Petition No. 8060 of 2006 and Writ Petition No. 5081 of 2015 is enclosed. The decision in Writ Petition No. 8060 of 2006 reveals that some of the employees approached the

Labour Court under Item 1 of Schedule IV of MRTU and PULP Act contending that they were entitled to continue in employment till the age of 60 years as that was the age of retirement under the Model Standing Orders which govern their service conditions. This Court held that the workmen concerned were entitled to continue in service till the age of 60 years. The order in Writ Petition No.8060 of 2006 was passed by this Court as far back as on 21st August, 2007. While referring to the decision in Writ Petition No. 5081 of 2015, the Labour Court observed that as the said union which filed the complaint is recognized union of the employer, therefore, it is obvious that the judgment of this Court is applicable to all the members of the union even though they have not approached the court. A reading of the order passed by this Court on 31st August, 2015 in Writ Petition No. 5081 of 2015 reveals that respondent No.1 union had filed complaint (ULP) No. 31 of 2005 challenging illegal termination of service of 13 workmen including respondent Nos. 3 to 8 alleging that the employer had engaged in unfair labour practices in reducing the age of retirement of the employees to 55 years, despite the provision of age of retirement as 60 years in the Model Standing Orders applicable to the employer. The Labour Court by its order dated 7th August, 2012 declared that the employer had indulged in unfair labour practice in terminating the services of 13

workmen and directed the employer to reinstate the employees and continue them until their age of retirement of 60 years and pay 50% of the back-wages. In the order passed by this Court in Writ Petition No. 5081 of 2015, on which reliance is placed by the Labour Court, there is nothing to indicate that the judgment pronounced by this Court was judgment in rem with intention to give benefit to all similarly situated persons, whether they approached the Court or not. The Labour Court, in my opinion, only on the basis of the order passed by this Court in Writ Petition No. 5081 of 2015 was not justified in coming to a conclusion that the judgment pronounced by this Court was judgment in rem with intention to give benefit to all similarly situated persons. As the learned Judge has not adverted to the orders passed by the Labour Court while concluding that the benefit of the judgment will have to be extended to all employees, as is the obligation cast on the employer in such eventuality, it will be appropriate for the Labour Court to reconsider the issue based on the materials on record.

24. As held by Their Lordships in **State of Uttar Pradesh and others** (supra) that “if the judgment of the Court was in personam holding that benefit of the said judgment shall accrue to the parties before the Court and such an intention is stated

expressly in the judgment or it can be impliedly found out from the tenor and language of the judgment, those who want to get the benefit of the said judgment extended to them shall have to satisfy that their petition does not suffer from either laches and delays or acquiescence". I am therefore of the opinion that the Labour Court was not justified in putting the burden on the employer to show how the judgment of this Court relied by the employees can be termed as 'judgment in personam' instead of 'judgment in rem'. The Labour Court, in my opinion, should have applied the tests laid down by the Hon'ble Supreme Court indicated hereinbefore in arriving at a finding that the judgment of the Court is in rem. Secondly, the Labour Court erred in holding that the dispute is alive only on the basis of a set of employees having succeeded in establishing the decision to reduce retirement age is illegal, resultantly forming an erroneous opinion that the employer is obliged to comply with the order in respect of all employees whether they approached the Court or not. Thirdly, the Labour Court was in error in placing the burden on the employer to establish that the judgment is in personam. Even if the judgment is in personam, the Apex Court has laid down that those who want to get the benefit of the judgment extended to them shall have to satisfy that the Petition does not suffer from delay and laches. It is in these circumstances, I find

that a detailed scrutiny by the Labour Court after considering the orders passed by the Labour Court, Industrial Court and this Court in respect of another set of employees is necessitated for deciding the question as to whether the decisions rendered in respect of different set of employees is a judgment in rem or in personam and the consequence thereon of delay and laches.

25. As held by the Apex Court in **Prabhakar's** case, although there is no limitation prescribed under the Act for making a reference under Section 10(1) of the ID Act, yet it is for the "appropriate Government" to consider whether it is expedient or not to make the reference. The appropriate Government has to keep in mind as to whether the dispute is still existing or live dispute and has not become a stale claim and if that is so, the reference can be refused. This would depend upon the facts and circumstances of each case and there cannot be any hard-and-fast rule regarding the time for making the order of reference. The matter therefore requires reconsideration in the light of the principles enunciated by the Apex Court. The Petitions therefore succeed.

26. Though learned counsel for the parties have advanced arguments on all aspects of the case, it is made clear that I have

addressed only the issues discussed above and all contentions are kept open.

27. The Writ Petitions succeed and are accordingly allowed.

28. The impugned orders of the First Labour Court are quashed and set aside. The matters are remitted back to the Labour Court for a fresh decision.

29. Rule is made absolute in the above terms with no order as to costs.

(M.S. KARNIK, J.)