

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**901 WRIT PETITION NO.856 OF 2012
WITH CA/14804/2013 IN WP/856/2012 WITH
CA/15005/2013 IN WP/856/2012 WITH CA/15006/2013
IN WP/856/2012**

**THE STATE OF MAHARASHTRA AND ANR
VERSUS
RAMDAS NAMDEO SAWANT AND ORS**

Mr.N. T. Bhagat, AGP for the respondent/State
Mr. S. T. Shelke, Advocate for the respondent Nos. 1
to 3, 6 to 15, 17 to 20

CORAM : RAVINDRA V. GHUGE, J.

DATE : 17-03-2022

P. C.

1. I have extensively considered the submissions of the learned Advocates for the respective sides on 07-03-2022 and 11-03-2022. The following order was passed on 11-03-20022.

“ After hearing learned Advocate for considerable time, notwithstanding the fact that the conclusion of the Labour Court is not supported with specific analysis and calculations, I deem it appropriate to direct the petitioner to produce the chart of the actual wages paid to the respondents from September, 1988 till March, 2000 and

state the scale that was made applicable to them vide Government Resolution Dated 13-03-2000. This comparative chart shall be placed before the Court on 17-03-2022 and a request for time would not be entertained.

2. If the chart is not placed before the court, the calculations arrived at by the Labour Court will have to be accepted.

3. Stand over to 17-03-2022 for passing orders.”

2. The learned AGP has placed before this court a compilation of two sets of documents. One set of documents (3-pages) pertaining to the employees involved in Writ Petition No. 856 of 2012, is taken on record and marked as X-1 for identification. The set of documents (21-pages) pertaining to Application (IDA) No. 42 of 2003, filed before the learned Labour Court-II, Ahmednagar, is also taken on record and marked as X-2 collectively. Copies of these two sets are handed over to the learned Advocate for the employees.

3. It is, therefore, clear from the above that the workers were entitled for certain payments and

the petitioner-establishment did not assist the Labour Court properly by placing the details of payments/ dues to be paid and the approved rates at which such payments had to be made. Consequentially, the Labour Court had to rely upon the affidavit of the workers and the chart supplied by them and, therefore, whatever figures were quoted by the applicants before the Labour Court, were accepted by it and accordingly the impugned order has been passed.

4. It is obvious that this court cannot record evidence in such matters. The disputed issue is as regards the quantum of amounts to be paid in the backdrop of the Industrial Court having crystallized the claims of the workers by approving payments of daily-wages at the rate of 1/26 with regard to 21 employees, as 26 employees have been granted regularization. Their calculations will have to be at the rates approved for the regular employees. Due to paucity of evidence, the Labour Court could not deal with these aspects.

5. In view of the above, this petition is partly allowed, without interfering with the

conclusions drawn by the Labour Court. The operative part of the order is set aside and Application (IDA) No. 42 of 2003 stands restored to the file of the Labour Court at Ahmednagar with the following directions:-

a] The documents placed before this court at X-1 and X-2 shall be transmitted by the Registry of this court to the Labour Court-II, Ahmednagar.

b] Both the litigating parties shall appear before the Labour Court-II, Ahmednagar on 04-04-2022.

c] Notice to the parties need not be issued.

d] Both the parties are at liberty to place additional documents, if any, before the Labour Court on or before 21-04-2022.

e] Both the parties are at liberty to lead additional evidence only to the extent of the documents which are to be filed and the

documents at X-1 and X-2. Such recording of evidence shall be concluded on or before 30-06-2022.

f] The litigating parties shall advance their oral submissions afresh, on or before 15-07-2022.

g] As the proceeding is of the year 2003, the learned Labour Court-II, Ahmednagar shall deliver it's judgment on or before 30-08-2022.

h] The applicants before the Labour Court are expected to bring on record the LR's of all the applicants-claimants who have passed away, in any case, on or before 30-04-2022.

i] The parties as well as the Labour Court shall note that the reasons for giving a time table as above, is on account of the fact that this proceeding is nineteen years old and, therefore, the litigating parties would be restrained from seeking any

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adjournment or modification of the time
table prescribed as above.

6. All the pending civil applications do not
survive and stand disposed off.

[RAVINDRA V. GHUGE, J.]

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