

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.3382 OF 2021
IN WP/3154/2019 WITH WP/3154/2019 WITH CA/7666/2019 IN
WP/3154/2019 WITH CA/7665/2019 IN WP/3154/2019 WITH
CA/3383/2021 IN WP/3154/2019

GOODYEAR SOUGH ASIA TYRES PRIVATE LIMITED
VERSUS
AURANGABAD MATHADI AND UNPROTECTED LABOUR BOARD
THROUGH DEPUTY COMMISSIONER OF LABOUR / SECRETARY

Mr.S.V.Adwant, Advocate for the applicant.
Mr.P.P.Mandlik, Advocate for respondent No.1.
Mr.P.S.Paranjape, Advocate for respondent Nos. 4 to 6.

(CORAM : BHARATI H. DANGRE, J.)

DATE : JANUARY 10, 2022

PER COURT :

1. By CA No.3383/2021, the applicant seeks amendment of the writ petition on account of certain subsequent developments and the application seek impleadment of 2 persons as party respondents alongwith an amendment in prayer clause.

The learned counsel for the respondent has invited my attention to an order dated 05.07.2019, when the new parties were sought to be inserted, on account of their reinstatement being directed, this Court had directed maintenance of status-quo subject to the Management

depositing the last drawn wages of the 3 workers for the month of June 2019 and July 2019.

2. In the backdrop of the aforesaid order, when the application is perused alongwith the orders passed in respect of one Mr.Gulab Thoke and Mr.Ravi Kadam, it can be clearly discerned that as far as Gulab is concerned, he has been directed to be re-instated w.e.f. 11.10.2019, but he has in fact not been reinstated till date. Therefore except directing the Management to deposit his last drawn wages for the preceding 2 months i.e. September 2019 and October 2019, the amendment deserve to be allowed. As far as Mr.Ravi Kadam is concerned, the benefit of order, passed on 05/07/2019, cannot be extended to him;, by referring to document Exh.'R' of page No.10 of the application, since it is a distinct situation where the Dnyaneshwar has resigned from service and his son is appointed.

3. The amendment, therefore, deserve to be allowed, by allowing impleadment of the respondents and by permitting amendment to the prayer clause, and by inserting paragraph No.11D. In respect of Mr.Gulab Thoke, the petitioners shall deposit wages for 2 months

within a period of 4 weeks from today.

4. Civil application is made absolute in terms of prayer clause "B".
Necessary amendment to be carried out within 4 weeks from today.
Issue notice to the newly added respondents, being made returnable after 8 weeks.

5. Civil Application No.3382/2021 is filed for seeking stay to the impugned communications, which are brought on record by the aforesaid applications. For the reasons similarly recorded while disposing of CA No.3383/2021, it is made clear that as far as Mr.Thoke is concerned, he has been directed to be re-instated in the year 2019 and therefore, there cannot be any direction to implement the said order at this stage, which shall be a matter of determination of the main writ petition. As far as Mr.Kadam is concerned, there is no question of any reinstatement and as such the order cannot be implemented today.

6. In the wake of the above, no orders are necessary on CA No.3382/2021, which is disposed off.

(BHARATI H. DANGRE, J.)