

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 5814 OF 2022

Dilip Manchakrao Kadam .. Petitioner
Versus
Bajaj Auto Limited, through
its Authorized Signatory .. Respondent

**AND
WRIT PETITION NO. 5812 OF 2022**

Sopan Raghunath Baviskar .. Petitioner
Versus
Bajaj Auto Limited, through
its Authorized Signatory .. Respondent

**AND
WRIT PETITION NO. 3841 OF 2022**

Sanjay Manchakrao Kadam .. Petitioner
Versus
Bajaj Auto Limited, through
its Authorized Signatory .. Respondent

**AND
WRIT PETITION NO. 5319 OF 2022**

Shivaji Vinayakrao Ghodke .. Petitioner
Versus
Bajaj Auto Limited, through
its Authorized Signatory .. Respondent

**AND
WRIT PETITION NO. 5318 OF 2022**

Vilas Wamanrao Lahane .. Petitioner
Versus
Bajaj Auto Limited, through
its Authorized Signatory .. Respondent

**AND
WRIT PETITION NO. 3628 OF 2022**

Datta Shankar Gaikwad .. Petitioner

Versus

Bajaj Auto Limited, through
its Authorized Signatory .. Respondent

AND

WRIT PETITION NO. 6874 OF 2022

Santosh Vasantrao Ramdasi .. Petitioner

Versus

Bajaj Auto Limited, through
its Authorized Signatory .. Respondent

AND

WRIT PETITION NO. 3835 OF 2022

Lahu Sakharam Jogdand .. Petitioner

Versus

Bajaj Auto Limited, through
its Authorized Signatory .. Respondent

AND

WRIT PETITION NO. 5793 OF 2022

Bhagwan Murlidhar Sawant .. Petitioner

Versus

Bajaj Auto Limited, through
its Authorized Signatory .. Respondent

AND

WRIT PETITION NO. 5791 OF 2022

Prabhakar Vitthal Akhade .. Petitioner

Versus

Bajaj Auto Limited, through
its Authorized Signatory .. Respondent

AND

WRIT PETITION NO. 5813 OF 2022

Madhav Sonaji Wabale .. Petitioner

Versus

Bajaj Auto Limited, through

its Authorized Signatory .. Respondent

AND
WRIT PETITION NO. 5788 OF 2022

Kisan Ramsingh Rathod .. Petitioner

Versus

Bajaj Auto Limited, through
its Authorized Signatory .. Respondent

AND
WRIT PETITION NO. 5789 OF 2022

Gajanan Manohar Kharche .. Petitioner

Versus

Bajaj Auto Limited, through
its Authorized Signatory .. Respondent

AND
WRIT PETITION NO. 5790 OF 2022

Ganesh Radhakishan Waghmare .. Petitioner

Versus

Bajaj Auto Limited, through
its Authorized Signatory .. Respondent

AND
WRIT PETITION NO. 5792 OF 2022

Santosh Bharat Narayankar .. Petitioner

Versus

Bajaj Auto Limited, through
its Authorized Signatory .. Respondent

AND
WRIT PETITION NO. 5811 OF 2022

Sanjeev Anandrao More .. Petitioner

Versus

Bajaj Auto Limited, through
its Authorized Signatory .. Respondent

AND
WRIT PETITION NO. 11571 OF 2022

Santosh Rambhau Gaikwad .. Petitioner
Versus
Bajaj Auto Limited, through
its Authorized Signatory .. Respondent

AND
WRIT PETITION NO. 3597 OF 2022

Balasaheb Sonba Choudhari .. Petitioner
Versus
Bajaj Auto Limited, through
its Authorized Signatory .. Respondent

AND
WRIT PETITION NO. 3443 OF 2022

Pandurang Sonba Choudhari .. Petitioner
Versus
Bajaj Auto Limited, through
its Authorized Signatory .. Respondent

AND
WRIT PETITION NO. 3599 OF 2022

Jeevan Eknath Mali .. Petitioner
Versus
Bajaj Auto Limited, through
its Authorized Signatory .. Respondent

AND
WRIT PETITION NO. 3595 OF 2022

Devidas Ramkishan Jadhav .. Petitioner
Versus
Bajaj Auto Limited, through
its Authorized Signatory .. Respondent

AND
WRIT PETITION NO. 1965 OF 2022

Sambha Baliram Chilke .. Petitioner
Versus
Bajaj Auto Limited, through

its Authorized Signatory .. Respondent

AND
WRIT PETITION NO. 816 OF 2022

Mahesh Shrikrishna Wange .. Petitioner

Versus

Bajaj Auto Limited, through
its Authorized Signatory .. Respondent

AND
WRIT PETITION NO. 3838 OF 2022

Manik Laxman Pandav .. Petitioner

Versus

Bajaj Auto Limited, through
its Authorized Signatory .. Respondent

AND
WRIT PETITION NO. 7360 OF 2022

Rajendra Devidas Deshmane .. Petitioner

Versus

Bajaj Auto Limited, through
its Authorized Signatory .. Respondent

AND
WRIT PETITION NO. 3844 OF 2022

Hanuman Dnyanoba Kate .. Petitioner

Versus

Bajaj Auto Limited, through
its Authorized Signatory .. Respondent

AND
WRIT PETITION NO. 11928 OF 2022

Suresh Rangnath Sonwane .. Petitioner

Versus

Bajaj Auto Limited, through
its Authorized Signatory .. Respondent

AND
WRIT PETITION NO. 11929 OF 2022

Anu Rangnath Nimbalkar .. Petitioner
Versus
Bajaj Auto Limited, through
its Authorized Signatory .. Respondent

AND
WRIT PETITION NO. 11565 OF 2022

Ramchandra Harishchandra Jawale .. Petitioner
Versus
Bajaj Auto Limited, through
its Authorized Signatory .. Respondent

AND
WRIT PETITION NO. 11566 OF 2022

Rajesaheb Uttamrao Chavan .. Petitioner
Versus
Bajaj Auto Limited, through
its Authorized Signatory .. Respondent

AND
WRIT PETITION NO. 11567 OF 2022

Kerbaji Ganpatrao Ghadlinge .. Petitioner
Versus
Bajaj Auto Limited, through
its Authorized Signatory .. Respondent

AND
WRIT PETITION NO. 11568 OF 2022

Dilip Prabhat Pimple .. Petitioner
Versus
Bajaj Auto Limited, through
its Authorized Signatory .. Respondent

AND
WRIT PETITION NO. 11570 OF 2022

Babu Maroti Gursudkar .. Petitioner
Versus
Bajaj Auto Limited, through

its Authorized Signatory .. Respondent

AND
WRIT PETITION NO. 12709 OF 2022

Pandit Bhaurao Mannajkar .. Petitioner

Versus

Bajaj Auto Limited, through
its Authorized Signatory .. Respondent

AND
WRIT PETITION NO. 12710 OF 2022

Narayan Wamanrao Ghule .. Petitioner

Versus

Bajaj Auto Limited, through
its Authorized Signatory .. Respondent

AND
WRIT PETITION NO. 12708 OF 2022

Sanjay Shivling Gulave .. Petitioner

Versus

Bajaj Auto Limited, through
its Authorized Signatory .. Respondent

AND
WRIT PETITION NO. 12707 OF 2022

Vithal Bapurao Hundiware .. Petitioner

Versus

Bajaj Auto Limited, through
its Authorized Signatory .. Respondent

AND
WRIT PETITION NO. 12704 OF 2022

Siddhling Punjayya Kirtankar .. Petitioner

Versus

Bajaj Auto Limited, through
its Authorized Signatory .. Respondent

AND
WRIT PETITION NO. 12703 OF 2022

Ashok Baburao Lahane	..	Petitioner
Versus		
Bajaj Auto Limited, through its Authorized Signatory	..	Respondent

AND
WRIT PETITION NO. 12702 OF 2022

Rameshwar Babanrao Patange	..	Petitioner
Versus		
Bajaj Auto Limited, through its Authorized Signatory	..	Respondent

AND
WRIT PETITION NO. 12391 OF 2022

Nanasaheb Changdev Divate	..	Petitioner
Versus		
Bajaj Auto Limited, through its Authorized Signatory	..	Respondent

Shri B. R. Kaware, Advocate h/f Shri Nitin L. Dhobale, Advocate for the Petitioner in all above matters.
Shri S. K. Talsania, Senior Advocate i/by Shri S. V. Dankh, Advocate a/w Shri Vinay Deshpande and Shri Rahul Pitekar, Advocates, Advocate for Respondent in all above matters.

AND
WRIT PETITION NO. 11755 OF 2018

M/s Bajaj Auto Limited, Bajaj Nagar Aurangabad	..	Petitioner
Versus		
Kishor Shivaji Harishchandre	..	Respondent

Shri S. K. Talsania, Senior Advocate i/by Shri S. V. Dankh, Advocate for the Petitioner.
Shri Arvind Ambetkar, Advocate h/f Shri S. R. Andhale, Advocate for the Respondent.

AND
WRIT PETITION NO. 11750 OF 2018

Bajaj Auto Limited .. Petitioner
Versus
Balasaheb Sonba Choudhari .. Respondent

Shri S. K. Talsania, Senior Advocate i/by Shri S. V. Dankh,
Advocate for the Petitioner.
Shri B. R. Kaware, Advocate for the Respondent.

AND
WRIT PETITION NO. 8841 OF 2019

M/s Bajaj Auto Limited, Bajaj Nagar
Waluj .. Petitioner
Versus
Prabhakar Vitthal Akhade .. Respondent

Shri Sachin V. Dankh, Advocate for the Petitioner.
Shri B. R. Kaware, Advocate for the Respondent.

AND
WRIT PETITION NO. 11749 OF 2018

M/s Bajaj Auto Limited, Bajaj Nagar
Aurangabad .. Petitioner
Versus
Suryakant Baliram Kendre .. Respondent

Shri Sachin V. Dankh, Advocate for the Petitioner.
Shri B. R. Kaware, Advocate for the Respondent.

AND
WRIT PETITION NO. 11784 OF 2018

M/s Bajaj Auto Limited, Bajaj Nagar
Aurangabad .. Petitioner
Versus
Subhash Kondiba Walke .. Respondent

Shri Sachin V. Dankh, Advocate for the Petitioner.
Shri B. R. Kaware, Advocate for the Respondent.

AND
WRIT PETITION NO. 11760 OF 2018

M/s Bajaj Auto Limited, Bajaj Nagar
Aurangabad .. Petitioner
Versus
Santosh Rambhau Gaikwad .. Respondent

Shri Sachin V. Dankh, Advocate for the Petitioner.
Shri B. R. Kaware, Advocate for the Respondent.

AND
WRIT PETITION NO. 11751 OF 2018

M/s Bajaj Auto Limited, Bajaj Nagar
Aurangabad .. Petitioner
Versus
Suryabhan Anna Shinde .. Respondent

Shri Sachin V. Dankh, Advocate for the Petitioner.
Shri B. R. Kaware, Advocate for the Respondent.

AND
WRIT PETITION NO. 11795 OF 2018

M/s Bajaj Auto Limited, Bajaj Nagar
Aurangabad .. Petitioner
Versus
Shivaji Vinayakrao Godke .. Respondent

Shri Sachin V. Dankh, Advocate for the Petitioner.
Shri B. R. Kaware, Advocate for the Respondent.

AND
WRIT PETITION NO. 11810 OF 2018

M/s Bajaj Auto Limited, Bajaj Nagar
Aurangabad .. Petitioner
Versus
Dilip Kashinath Patil .. Respondent

Shri Sachin V. Dankh, Advocate for the Petitioner.
Shri B. R. Kaware, Advocate for the Respondent.

AND
WRIT PETITION NO. 14294 OF 2019

M/s Bajaj Auto Limited	..	Petitioner
Versus		
Ram Limbaji Kamble	..	Respondent

Shri Sachin V. Dankh, Advocate for the Petitioner.

AND
WRIT PETITION NO. 14293 OF 2019

M/s Bajaj Auto Limited	..	Petitioner
Versus		
Pradeepkumar Devidas Ingle	..	Respondent

Shri Sachin V. Dankh, Advocate for the Petitioner.
Shri B. R. Kaware, Advocate for the Respondent.

AND
WRIT PETITION NO. 11769 OF 2018

M/s Bajaj Auto Limited, Bajaj Nagar Aurangabad	..	Petitioner
Versus		
Narayan Waman Ghule	..	Respondent

Shri Sachin V. Dankh, Advocate for the Petitioner.
Shri B. R. Kaware, Advocate for the Respondent.

AND
WRIT PETITION NO. 9009 OF 2019

M/s Bajaj Auto Limited, Bajaj Nagar Waluj, Aurangabad	..	Petitioner
Versus		
Dattatray Dhondiram Solunke	..	Respondent

Shri Sachin V. Dankh, Advocate for the Petitioner.
Shri B. R. Kaware, Advocate for the Respondent.

AND
WRIT PETITION NO. 11830 OF 2018

M/s Bajaj Auto Limited, Bajaj Nagar Aurangabad	..	Petitioner
Versus		

Ashok Baburao Kadam .. Respondent

Shri Sachin V. Dankh, Advocate for the Petitioner.

Shri B. R. Kaware, Advocate for the Respondent.

AND

WRIT PETITION NO. 11828 OF 2018

M/s Bajaj Auto Limited, Bajaj Nagar
Aurangabad .. Petitioner

Versus

Kothule Ganesh Bhimrao .. Respondent

Shri Sachin V. Dankh, Advocate for the Petitioner.

Shri B. R. Kaware, Advocate for the Respondent.

AND

WRIT PETITION NO. 11801 OF 2018

M/s Bajaj Auto Limited, Bajaj Nagar
Aurangabad .. Petitioner

Versus

Sukhdev Vishnu Kothawal .. Respondent

Shri Sachin V. Dankh, Advocate for the Petitioner.

Shri B. R. Kaware, Advocate for the Respondent.

AND

WRIT PETITION NO. 11770 OF 2018

M/s Bajaj Auto Limited, Bajaj Nagar
Aurangabad .. Petitioner

Versus

Rajesh Tukaram Patil .. Respondent

Shri Sachin V. Dankh, Advocate for the Petitioner.

AND

WRIT PETITION NO. 11803 OF 2018

M/s Bajaj Auto Limited, Bajaj Nagar
Aurangabad .. Petitioner

Versus

Ghamlall Rajaram Lohar .. Respondent

Shri Sachin V. Dankh, Advocate for the Petitioner.
Shri B. R. Kaware, Advocate for the Respondent.

AND
WRIT PETITION NO. 11799 OF 2018

M/s Bajaj Auto Limited, Bajaj Nagar Aurangabad	..	Petitioner
Versus		
Dilip Manchakrao Kadam	..	Respondent

Shri Sachin V. Dankh, Advocate for the Petitioner.
Shri B. R. Kaware, Advocate for the Respondent.

AND
WRIT PETITION NO. 11763 OF 2018

M/s Bajaj Auto Limited, Bajaj Nagar Aurangabad	..	Petitioner
Versus		
Bhausahab Gopinath Rathod	..	Respondent

Shri Sachin V. Dankh, Advocate for the Petitioner.
Shri B. R. Kaware, Advocate for the Respondent.

AND
WRIT PETITION NO. 11777 OF 2018

M/s Bajaj Auto Limited, Bajaj Nagar Aurangabad	..	Petitioner
Versus		
Manoj Mukund Kale	..	Respondent

Shri Sachin V. Dankh, Advocate for the Petitioner.
Shri B. R. Kaware, Advocate for the Respondent.

AND
WRIT PETITION NO. 11809 OF 2018

M/s Bajaj Auto Limited, Bajaj Nagar Aurangabad	..	Petitioner
Versus		
Jagdish Kashinath Kothale	..	Respondent

Shri Sachin V. Dankh, Advocate for the Petitioner.
Shri B. R. Kaware, Advocate for the Respondent.

AND
WRIT PETITION NO. 11812 OF 2018

M/s Bajaj Auto Limited, Bajaj Nagar
Aurangabad .. Petitioner
Versus
Vaijinath Rangnath Sarge .. Respondent

Shri Sachin V. Dankh, Advocate for the Petitioner.

AND
WRIT PETITION NO. 11790 OF 2018

Bajaj Auto Limited Aurangabad .. Petitioner
Versus
Jagan Baliram Suryawanshi .. Respondent

Shri Sachin V. Dankh, Advocate for the Petitioner.
Shri B. R. Kaware and Shri N. L. Dhobale, Advocates for the
Respondent.

AND
WRIT PETITION NO. 11833 OF 2018

M/s Bajaj Auto Limited, Bajaj Nagar
Aurangabad .. Petitioner
Versus
Ashok Laxmanrao Surnar .. Respondent

Shri Sachin V. Dankh, Advocate for the Petitioner.
Shri B. R. Kaware and Shri N. L. Dhobale, Advocates for the
Respondent.

AND
WRIT PETITION NO. 11779 OF 2018

Bajaj Auto Limited Aurangabad .. Petitioner
Versus
Suresh Rangnath Sonawane .. Respondent

Shri Sachin V. Dankh, Advocate for the Petitioner.
Shri B. R. Kaware and Shri N. L. Dhobale, Advocates for the
Respondent.

AND
WRIT PETITION NO. 11829 OF 2018

M/s Bajaj Auto Limited, Bajaj Nagar Aurangabad	..	Petitioner
Versus		
Kerbaji Ganpatrao Ghadlinge	..	Respondent

Shri Sachin V. Dankh, Advocate for the Petitioner.
Shri B. R. Kaware and Shri N. L. Dhobale, Advocates for the
Respondent.

AND
WRIT PETITION NO. 11756 OF 2018

Bajaj Auto Limited, Aurangabad	..	Petitioner
Versus		
Rajesh Jagannath Mohite	..	Respondent

Shri Sachin V. Dankh, Advocate for the Petitioner.
Shri B. R. Kaware, Advocate for the Respondent.

AND
WRIT PETITION NO. 11825 OF 2018

M/s Bajaj Auto Limited, Bajaj Nagar Aurangabad	..	Petitioner
Versus		
Bhaskar Tukaram Bodhke	..	Respondent

Shri Sachin V. Dankh, Advocate for the Petitioner.
Shri B. R. Kaware and Shri N. L. Dhobale, Advocates for the
Respondent.

AND
WRIT PETITION NO. 9003 OF 2019

M/s Bajaj Auto Limited, Bajaj Nagar Aurangabad	..	Petitioner
Versus		

Jeevan Eknath Mali .. Respondent

Shri Sachin V. Dankh, Advocate for the Petitioner.

Shri B. R. Kaware, Advocate for the Respondent.

AND

WRIT PETITION NO. 11772 OF 2018

M/s Bajaj Auto Limited, Bajaj Nagar

Aurangabad

.. Petitioner

Versus

Sandeepkumar Vasantrao Magar

.. Respondent

Shri Sachin V. Dankh, Advocate for the Petitioner.

Shri B. R. Kaware and Shri N. L. Dhobale, Advocates for the Respondent.

AND

WRIT PETITION NO. 11765 OF 2018

M/s Bajaj Auto Limited, Bajaj Nagar

Aurangabad

.. Petitioner

Versus

Manik Laxmanrao Pandav

.. Respondent

Shri Sachin V. Dankh, Advocate for the Petitioner.

Shri B. R. Kaware and Shri N. L. Dhobale, Advocates for the Respondent.

AND

WRIT PETITION NO. 8842 OF 2019

M/s Bajaj Auto Limited, Bajaj Nagar

Aurangabad

.. Petitioner

Versus

Sanjeev Anandrao More

.. Respondent

Shri Sachin V. Dankh, Advocate for the Petitioner.

Shri B. R. Kaware, Advocate for the Respondent.

AND

WRIT PETITION NO. 11781 OF 2018

M/s Bajaj Auto Limited, Bajaj Nagar

Aurangabad .. Petitioner
Versus
Arjun Vishnu Solanke .. Respondent

Shri Sachin V. Dankh, Advocate for the Petitioner.
Shri B. R. Kaware and Shri N. L. Dhobale, Advocates for the Respondent.

AND
WRIT PETITION NO. 11782 OF 2018

M/s Bajaj Auto Limited, Bajaj Nagar
Aurangabad .. Petitioner
Versus
Anil Shankar Gaikwad .. Respondent

Shri Sachin V. Dankh, Advocate for the Petitioner.
Shri B. R. Kaware and Shri N. L. Dhobale, Advocates for the Respondent.

AND
WRIT PETITION NO. 11786 OF 2018

M/s Bajaj Auto Limited, Bajaj Nagar
Aurangabad .. Petitioner
Versus
Pralhad Asaram Kashid .. Respondent

Shri Sachin V. Dankh, Advocate for the Petitioner.
Shri B. R. Kaware and Shri N. L. Dhobale, Advocates for the Respondent.

AND
WRIT PETITION NO. 11789 OF 2018

M/s Bajaj Auto Limited, Bajaj Nagar
Aurangabad .. Petitioner
Versus
Sanjay Govindrao Nikam .. Respondent

Shri Sachin V. Dankh, Advocate for the Petitioner.
Shri B. R. Kaware and Shri N. L. Dhobale, Advocates for the Respondent.

AND
WRIT PETITION NO. 11766 OF 2018

M/s Bajaj Auto Limited, Bajaj Nagar Aurangabad	..	Petitioner
Versus		
Rajendra Devidas Deshmane	..	Respondent

Shri Sachin V. Dankh, Advocate for the Petitioner.
Shri B. R. Kaware and Shri N. L. Dhobale, Advocates for the Respondent.

AND
WRIT PETITION NO. 11783 OF 2018

M/s Bajaj Auto Limited, Bajaj Nagar Aurangabad	..	Petitioner
Versus		
Prakash Mariba Dakore	..	Respondent

Shri Sachin V. Dankh, Advocate for the Petitioner.
Shri B. R. Kaware, Advocate for the Respondent.

AND
WRIT PETITION NO. 11816 OF 2018

M/s Bajaj Auto Limited, Bajaj Nagar Aurangabad	..	Petitioner
Versus		
Prakash Macchindra Pawar	..	Respondent

Shri Sachin V. Dankh, Advocate for the Petitioner.
Shri B. R. Kaware and Shri N. L. Dhobale, Advocates for the Respondent.

AND
WRIT PETITION NO. 8977 OF 2019

M/s Bajaj Auto Limited, Bajaj Nagar Aurangabad	..	Petitioner
Versus		
Vikas Ramesh Shrikhande	..	Respondent

Shri Sachin V. Dankh, Advocate for the Petitioner.

Shri B. R. Kaware, Advocate for the Respondent.

AND
WRIT PETITION NO. 11822 OF 2018

M/s Bajaj Auto Limited, Bajaj Nagar Aurangabad	..	Petitioner
Versus		
Lahu Sakharam Jogdand	..	Respondent

Shri Sachin V. Dankh, Advocate for the Petitioner.
Shri B. R. Kaware and Shri N. L. Dhobale, Advocates for the Respondent.

AND
WRIT PETITION NO. 11793 OF 2018

M/s Bajaj Auto Limited, Bajaj Nagar Aurangabad	..	Petitioner
Versus		
Balasaheb Haribhau Kale	..	Respondent

Shri Sachin V. Dankh, Advocate for the Petitioner.
Shri B. R. Kaware and Shri N. L. Dhobale, Advocates for the Respondent.

AND
WRIT PETITION NO. 11823 OF 2018

M/s Bajaj Auto Limited, Bajaj Nagar Aurangabad	..	Petitioner
Versus		
Swarup Vitthalrao Dhumal	..	Respondent

Shri Sachin V. Dankh, Advocate for the Petitioner.
Shri B. R. Kaware and Shri N. L. Dhobale, Advocates for the Respondent.

AND
WRIT PETITION NO. 11771 OF 2018

M/s Bajaj Auto Limited, Bajaj Nagar Aurangabad	..	Petitioner
Versus		

Shriram Trimbakrao Suryawanshi .. Respondent

Shri Sachin V. Dankh, Advocate for the Petitioner.
Shri B. R. Kaware and Shri N. L. Dhobale, Advocates for the
Respondent.

AND
WRIT PETITION NO. 9007 OF 2019

M/s Bajaj Auto Limited, Bajaj Nagar
Aurangabad .. Petitioner
Versus
Rajesaheb Uttamrao Chavan .. Respondent

Shri Sachin V. Dankh, Advocate for the Petitioner.
Shri B. R. Kaware, Advocate for the Respondent.

AND
WRIT PETITION NO. 11827 OF 2018

M/s Bajaj Auto Limited, Bajaj Nagar
Aurangabad .. Petitioner
Versus
Santosh Vasantrao Ramdasi .. Respondent

Shri Sachin V. Dankh, Advocate for the Petitioner.
Shri B. R. Kaware and Shri N. L. Dhobale, Advocates for the
Respondent.

AND
WRIT PETITION NO. 11764 OF 2018

M/s Bajaj Auto Limited, Bajaj Nagar
Aurangabad .. Petitioner
Versus
Ratnadip Virbhadra Swami .. Respondent

Shri Sachin V. Dankh, Advocate for the Petitioner.
Shri B. R. Kaware and Shri N. L. Dhobale, Advocates for the
Respondent.

AND
WRIT PETITION NO. 11791 OF 2018

M/s Bajaj Auto Limited, Bajaj Nagar
Aurangabad .. Petitioner
Versus
Arjun Shivram Jagtap .. Respondent

Shri Sachin V. Dankh, Advocate for the Petitioner.
Shri B. R. Kaware and Shri N. L. Dhobale, Advocates for the
Respondent.

AND
WRIT PETITION NO. 11819 OF 2018

M/s Bajaj Auto Limited, Bajaj Nagar
Aurangabad .. Petitioner
Versus
Sanjay Sampat Ahire .. Respondent

Shri Sachin V. Dankh, Advocate for the Petitioner.
Shri B. R. Kaware and Shri N. L. Dhobale, Advocates for the
Respondent.

AND
WRIT PETITION NO. 11758 OF 2018

M/s Bajaj Auto Limited, Bajaj Nagar
Aurangabad .. Petitioner
Versus
Mahesh Bhimashankar Yenure .. Respondent

Shri Sachin V. Dankh, Advocate for the Petitioner.
Shri B. R. Kaware and Shri N. L. Dhobale, Advocates for the
Respondent.

AND
WRIT PETITION NO. 11778 OF 2018

M/s Bajaj Auto Limited, Bajaj Nagar
Aurangabad .. Petitioner
Versus
Manoj Chagan Anwekar .. Respondent

Shri Sachin V. Dankh, Advocate for the Petitioner.
Shri B. R. Kaware and Shri N. L. Dhobale, Advocates for the
Respondent.

AND
WRIT PETITION NO. 11757 OF 2018

M/s Bajaj Auto Limited, Bajaj Nagar
Aurangabad .. Petitioner
Versus
Kalyan Ramnath Mutkule .. Respondent

Shri Sachin V. Dankh, Advocate for the Petitioner.
Shri B. R. Kaware and Shri N. L. Dhobale, Advocates for the
Respondent.

AND
WRIT PETITION NO. 11754 OF 2018

M/s Bajaj Auto Limited, Bajaj Nagar
Aurangabad .. Petitioner
Versus
Angadh Anirudh Jadhav .. Respondent

Shri Sachin V. Dankh, Advocate for the Petitioner.
Shri B. R. Kaware, Advocate for the Respondent.

AND
WRIT PETITION NO. 11814 OF 2018

M/s Bajaj Auto Limited, Bajaj Nagar
Aurangabad .. Petitioner
Versus
Sanjay Shivling Gulave .. Respondent

Shri Sachin V. Dankh, Advocate for the Petitioner.
Shri B. R. Kaware and Shri N. L. Dhobale, Advocates for the
Respondent.

AND
WRIT PETITION NO. 11820 OF 2018

M/s Bajaj Auto Limited, Bajaj Nagar
Aurangabad .. Petitioner
Versus
Ramkishan Vishwanath Pendharkar .. Respondent

Shri Sachin V. Dankh, Advocate for the Petitioner.
Shri B. R. Kaware and Shri N. L. Dhobale, Advocates for the Respondent.

AND
WRIT PETITION NO. 9006 OF 2019

M/s Bajaj Auto Limited, Bajaj Nagar Aurangabad	..	Petitioner
Versus		
Gajanan Manohar Kharche	..	Respondent

Shri Sachin V. Dankh, Advocate for the Petitioner.
Shri B. R. Kaware, Advocate for the Respondent.

AND
WRIT PETITION NO. 11807 OF 2018

M/s Bajaj Auto Limited, Bajaj Nagar Aurangabad	..	Petitioner
Versus		
Pandurang Sonaba Choudhari	..	Respondent

Shri Sachin V. Dankh, Advocate for the Petitioner.
Shri B. R. Kaware and Shri N. L. Dhobale, Advocates for the Respondent.

AND
WRIT PETITION NO. 9002 OF 2019

M/s Bajaj Auto Limited, Bajaj Nagar Aurangabad	..	Petitioner
Versus		
Babu Maroti Gursudkar	..	Respondent

Shri Sachin V. Dankh, Advocate for the Petitioner.
Shri B. R. Kaware, Advocates for the Respondent.

AND
WRIT PETITION NO. 11767 OF 2018

M/s Bajaj Auto Limited, Bajaj Nagar Aurangabad	..	Petitioner
Versus		

Vishnu Sadashiv Lokhande .. Respondent

Shri Sachin V. Dankh, Advocate for the Petitioner.

AND
WRIT PETITION NO. 8976 OF 2019

M/s Bajaj Auto Limited, Bajaj Nagar
Aurangabad .. Petitioner

Versus

Dilip Prabhat Pimpale .. Respondent

Shri Sachin V. Dankh, Advocate for the Petitioner.

Shri B. R. Kaware, Advocate for the Respondent.

AND
WRIT PETITION NO. 11832 OF 2018

M/s Bajaj Auto Limited, Bajaj Nagar
Aurangabad .. Petitioner

Versus

Vilas Wamanrao Lahane .. Respondent

Shri Sachin V. Dankh, Advocate for the Petitioner.

Shri B. R. Kaware and Shri N. L. Dhobale, Advocates for the
Respondent.

AND
WRIT PETITION NO. 11804 OF 2018

M/s Bajaj Auto Limited, Bajaj Nagar
Aurangabad .. Petitioner

Versus

Kailash Madhukar Sawant .. Respondent

Shri Sachin V. Dankh, Advocate for the Petitioner.

Shri B. R. Kaware and Shri N. L. Dhobale, Advocates for the
Respondent.

AND
WRIT PETITION NO. 12115 OF 2018

M/s Bajaj Auto Limited, Bajaj Nagar
Aurangabad .. Petitioner

Versus

Yakub Rangnath Bhambhal .. Respondent

Shri Sachin V. Dankh, Advocate for the Petitioner.
Shri B. R. Kaware and Shri N. L. Dhobale, Advocates for the Respondent.

AND**WRIT PETITION NO. 11797 OF 2018**

M/s Bajaj Auto Limited, Bajaj Nagar
Aurangabad .. Petitioner

Versus

Rangnath Nivrutti Landge .. Respondent

Shri Sachin V. Dankh, Advocate for the Petitioner.
Shri B. R. Kaware and Shri N. L. Dhobale, Advocates for the Respondent.

AND**WRIT PETITION NO. 11831 OF 2018**

M/s Bajaj Auto Limited, Bajaj Nagar
Aurangabad .. Petitioner

Versus

Datta Shankar Gaikwad .. Respondent

Shri Sachin V. Dankh, Advocate for the Petitioner.
Shri B. R. Kaware and Shri N. L. Dhobale, Advocates for the Respondent.

AND**WRIT PETITION NO. 11798 OF 2018**

M/s Bajaj Auto Limited, Bajaj Nagar
Aurangabad .. Petitioner

Versus

Sambha Baliram Chilke .. Respondent

Shri Sachin V. Dankh, Advocate for the Petitioner.
Shri B. R. Kaware and Shri N. L. Dhobale, Advocates for the Respondent.

AND

WRIT PETITION NO. 11813 OF 2018

M/s Bajaj Auto Limited, Bajaj Nagar
Aurangabad .. Petitioner
Versus
Dattatraya Umakant Polawar .. Respondent

Shri Sachin V. Dankh, Advocate for the Petitioner.
Shri B. R. Kaware and Shri N. L. Dhobale, Advocates for the
Respondent.

AND
WRIT PETITION NO. 11773 OF 2018

M/s Bajaj Auto Limited, Bajaj Nagar
Aurangabad .. Petitioner
Versus
Raju Dhondappa Akhade .. Respondent

Shri Sachin V. Dankh, Advocate for the Petitioner.
Shri B. R. Kaware and Shri N. L. Dhobale, Advocates for the
Respondent.

AND
WRIT PETITION NO. 11821 OF 2018

M/s Bajaj Auto Limited, Bajaj Nagar
Aurangabad .. Petitioner
Versus
Madhav Sonaji Wabale .. Respondent

Shri Sachin V. Dankh, Advocate for the Petitioner.
Shri B. R. Kaware and Shri N. L. Dhobale, Advocates for the
Respondent.

AND
WRIT PETITION NO. 11808 OF 2018

M/s Bajaj Auto Limited, Bajaj Nagar
Aurangabad .. Petitioner
Versus
Bhagwan Murlidhar Sawant .. Respondent

Shri Sachin V. Dankh, Advocate for the Petitioner.

Shri B. R. Kaware and Shri N. L. Dhobale, Advocates for the Respondent.

AND
WRIT PETITION NO. 11753 OF 2018

M/s Bajaj Auto Limited, Bajaj Nagar Aurangabad	..	Petitioner
Versus		
Achut Ambadas Sapkal	..	Respondent

Shri Sachin V. Dankh, Advocate for the Petitioner.
Shri B. R. Kaware and Shri N. L. Dhobale, Advocates for the Respondent.

AND
WRIT PETITION NO. 11776 OF 2018

M/s Bajaj Auto Limited, Bajaj Nagar Aurangabad	..	Petitioner
Versus		
Pandurang Bhikan Gore	..	Respondent

Shri Sachin V. Dankh, Advocate for the Petitioner.
Shri B. R. Kaware and Shri N. L. Dhobale, Advocates for the Respondent.

AND
WRIT PETITION NO. 11788 OF 2018

M/s Bajaj Auto Limited, Bajaj Nagar Aurangabad	..	Petitioner
Versus		
Devidas Ramkisan Jadhav	..	Respondent

Shri Sachin V. Dankh, Advocate for the Petitioner.
Shri B. R. Kaware and Shri N. L. Dhobale, Advocates for the Respondent.

AND
WRIT PETITION NO. 11761 OF 2018

M/s Bajaj Auto Limited, Bajaj Nagar Aurangabad	..	Petitioner
---	----	------------

Versus

Madhukar Nivrutti Sabane .. Respondent

Shri Sachin V. Dankh, Advocate for the Petitioner.

AND**WRIT PETITION NO. 9005 OF 2019**

M/s Bajaj Auto Limited, Bajaj Nagar
Aurangabad .. Petitioner

Versus

Nanasaheb Changdev Divate .. Respondent

Shri Sachin V. Dankh, Advocate for the Petitioner.

Shri B. R. Kaware, Advocate for the Respondent.

AND**WRIT PETITION NO. 11787 OF 2018**

M/s Bajaj Auto Limited, Bajaj Nagar
Aurangabad .. Petitioner

Versus

Hanuman Dnyanoba Kate .. Respondent

Shri Sachin V. Dankh, Advocate for the Petitioner.

Shri B. R. Kaware and Shri N. L. Dhobale, Advocates for the
Respondent.

AND**WRIT PETITION NO. 11815 OF 2018**

M/s Bajaj Auto Limited, Bajaj Nagar
Aurangabad .. Petitioner

Versus

Anant Haribhau Kathar .. Respondent

Shri Sachin V. Dankh, Advocate for the Petitioner.

Shri B. R. Kaware and Shri N. L. Dhobale, Advocates for the
Respondent.

AND**WRIT PETITION NO. 11792 OF 2018**

M/s Bajaj Auto Limited, Bajaj Nagar

Aurangabad .. Petitioner
Versus
Santosh Bharat Narayankar .. Respondent

Shri Sachin V. Dankh, Advocate for the Petitioner.
Shri B. R. Kaware and Shri N. L. Dhobale, Advocates for the Respondent.

AND
WRIT PETITION NO. 11817 OF 2018

M/s Bajaj Auto Limited, Bajaj Nagar
Aurangabad .. Petitioner
Versus
Anu Rangnath Nimbalkar .. Respondent

Shri Sachin V. Dankh, Advocate for the Petitioner.
Shri B. R. Kaware, Advocate for the Respondent.

AND
WRIT PETITION NO. 11762 OF 2018

M/s Bajaj Auto Limited, Bajaj Nagar
Aurangabad .. Petitioner
Versus
Anna Govindrao Sangle .. Respondent

Shri Sachin V. Dankh, Advocate for the Petitioner.
Shri B. R. Kaware and Shri N. L. Dhobale, Advocates for the Respondent.

AND
WRIT PETITION NO. 11818 OF 2018

M/s Bajaj Auto Limited, Bajaj Nagar
Aurangabad .. Petitioner
Versus
Kisan Ramsingh Rathod .. Respondent

Shri Sachin V. Dankh, Advocate for the Petitioner.
Shri B. R. Kaware and Shri N. L. Dhobale, Advocates for the Respondent.

AND

WRIT PETITION NO. 11824 OF 2018

M/s Bajaj Auto Limited, Bajaj Nagar
Aurangabad .. Petitioner
Versus
Shahji Subrao Sable .. Respondent

Shri Sachin V. Dankh, Advocate for the Petitioner.

AND
WRIT PETITION NO. 11802 OF 2018

M/s Bajaj Auto Limited, Bajaj Nagar
Aurangabad .. Petitioner
Versus
Navnath Maruti Shinde .. Respondent

Shri Sachin V. Dankh, Advocate for the Petitioner.
Shri B. R. Kaware and Shri N. L. Dhobale, Advocates for the
Respondent.

AND
WRIT PETITION NO. 11834 OF 2018

M/s Bajaj Auto Limited, Bajaj Nagar
Aurangabad .. Petitioner
Versus
Pradeep Bhagwat Kolhe .. Respondent

Shri Sachin V. Dankh, Advocate for the Petitioner.
Shri B. R. Kaware, Advocate for the Respondent.

AND
WRIT PETITION NO. 11826 OF 2018

M/s Bajaj Auto Limited, Bajaj Nagar
Aurangabad .. Petitioner
Versus
Ranjit Nanderam Nikalje .. Respondent

Shri Sachin V. Dankh, Advocate for the Petitioner.
Shri B. R. Kaware and Shri N. L. Dhobale, Advocates for the
Respondent.

AND
WRIT PETITION NO. 11780 OF 2018

M/s Bajaj Auto Limited, Bajaj Nagar
Aurangabad .. Petitioner
Versus
Vasudev Vishnu Londhe .. Respondent

Shri Sachin V. Dankh, Advocate for the Petitioner.
Shri B. R. Kaware and Shri N. L. Dhobale, Advocates for the
Respondent.

AND
WRIT PETITION NO. 11796 OF 2018

M/s Bajaj Auto Limited, Bajaj Nagar
Aurangabad .. Petitioner
Versus
Dnyaneshwar Babanrao Patange .. Respondent

Shri Sachin V. Dankh, Advocate for the Petitioner.
Shri B. R. Kaware and Shri N. L. Dhobale, Advocates for the
Respondent.

AND
WRIT PETITION NO. 11794 OF 2018

M/s Bajaj Auto Limited, Bajaj Nagar
Aurangabad .. Petitioner
Versus
Ravindra Sahebrao Ghodake .. Respondent

Shri Sachin V. Dankh, Advocate for the Petitioner.
Shri B. R. Kaware and Shri N. L. Dhobale, Advocates for the
Respondent.

AND
WRIT PETITION NO. 9004 OF 2019

M/s Bajaj Auto Limited, Bajaj Nagar
Aurangabad .. Petitioner
Versus
Ganesh Radhakishan Waghmare .. Respondent

Shri Sachin V. Dankh, Advocate for the Petitioner.
Shri B. R. Kaware and Shri N. L. Dhobale, Advocates for the
Respondent.

AND
WRIT PETITION NO. 11774 OF 2018

M/s Bajaj Auto Limited, Bajaj Nagar Aurangabad	..	Petitioner
Versus		
Mukul Trimbak Shevalikar	..	Respondent

Shri Sachin V. Dankh, Advocate for the Petitioner.
Shri B. R. Kaware and Shri N. L. Dhobale, Advocates for the
Respondent.

AND
WRIT PETITION NO. 11785 OF 2018

M/s Bajaj Auto Limited, Bajaj Nagar Aurangabad	..	Petitioner
Versus		
Santosh Kacharu Yewale	..	Respondent

Shri Sachin V. Dankh, Advocate for the Petitioner.
Shri B. R. Kaware and Shri N. L. Dhobale, Advocates for the
Respondent.

AND
WRIT PETITION NO. 11806 OF 2018

M/s Bajaj Auto Limited, Bajaj Nagar Aurangabad	..	Petitioner
Versus		
Ramchandra Harishchandra Javale	..	Respondent

Shri Sachin V. Dankh, Advocate for the Petitioner.
Shri B. R. Kaware and Shri N. L. Dhobale, Advocates for the
Respondent.

AND
WRIT PETITION NO. 11768 OF 2018

M/s Bajaj Auto Limited, Bajaj Nagar

Aurangabad	..	Petitioner
Versus		
Sanjay Manchkrao Kadam	..	Respondent

Shri Sachin V. Dankh, Advocate for the Petitioner.
 Shri B. R. Kaware and Shri N. L. Dhobale, Advocates for the Respondent.

AND
WRIT PETITION NO. 11775 OF 2018

M/s Bajaj Auto Limited, Bajaj Nagar Aurangabad	..	Petitioner
Versus		
Suresh Digambar Gore	..	Respondent

Shri Sachin V. Dankh, Advocate for the Petitioner.
 Shri B. R. Kaware and Shri N. L. Dhobale, Advocates for the Respondent.

AND
WRIT PETITION NO. 11811 OF 2018

M/s Bajaj Auto Limited, Bajaj Nagar Aurangabad	..	Petitioner
Versus		
Baban Bhagaji Jagtap	..	Respondent

Shri Sachin V. Dankh, Advocate for the Petitioner.
 Shri B. R. Kaware and Shri N. L. Dhobale, Advocates for the Respondent.

AND
WRIT PETITION NO. 9008 OF 2019

M/s Bajaj Auto Limited, Bajaj Nagar Aurangabad	..	Petitioner
Versus		
Ashok Madhukar Badgujar	..	Respondent

Shri Sachin V. Dankh, Advocate for the Petitioner.
 Shri B. R. Kaware, Advocate for the Respondent.

AND

WRIT PETITION NO. 9001 OF 2019

M/s Bajaj Auto Limited, Bajaj Nagar
Aurangabad .. Petitioner
Versus
Mahesh Shrikrishna Wange .. Respondent

Shri Sachin V. Dankh, Advocate for the Petitioner.
Shri B. R. Kaware, Advocate for the Respondent.

AND
WRIT PETITION NO. 11759 OF 2018

M/s Bajaj Auto Limited, Bajaj Nagar
Aurangabad .. Petitioner
Versus
Balu Vasudev Ghodake .. Respondent

Shri Sachin V. Dankh, Advocate for the Petitioner.
Shri B. R. Kaware and Shri N. L. Dhobale, Advocates for the
Respondent.

AND
WRIT PETITION NO. 11805 OF 2018

M/s Bajaj Auto Limited, Bajaj Nagar
Aurangabad .. Petitioner
Versus
Sudhakar Panditrao Pawar .. Respondent

Shri Sachin V. Dankh, Advocate for the Petitioner.
Shri B. R. Kaware and Shri N. L. Dhobale, Advocates for the
Respondent.

AND
WRIT PETITION NO. 11752 OF 2018

M/s Bajaj Auto Limited, Bajaj Nagar
Aurangabad .. Petitioner
Versus
Vitthal Chagan Damle .. Respondent

Shri Sachin V. Dankh, Advocate for the Petitioner.
Shri B. R. Kaware and Shri N. L. Dhobale, Advocates for the

Respondent.

AND
WRIT PETITION NO. 11800 OF 2018

M/s Bajaj Auto Limited, Bajaj Nagar Aurangabad	..	Petitioner
Versus		
Sumant Ramchandra Dambre	..	Respondent

Shri Sachin V. Dankh, Advocate for the Petitioner.
Shri B. R. Kaware and Shri N. L. Dhobale, Advocates for the
Respondent.

CORAM : SANDEEP V. MARNE, J.
DATE : 13TH DECEMBER, 2022.

FINAL ORDER :

. Some of the petitions are not on today's board. Mr. Dankh, learned counsel for petitioner has mentioned those matters and requested for taking them on board. With the consent of the advocates appearing for parties, those matters are also taken on today's board.

2. Rival petitions are filed by the employer/Bajaj Auto Limited as well as by its workmen challenging awards of the Labour Courts answering references partly in affirmative and directing payment of lump-sum compensation calculated at 65 days' salary inclusive of all allowances for the number of years the workmen have actually worked. For calculating the salary, the minimum salary of Rs. 8,000/- per month has been directed to be taken into consideration. In respect of period after termination till the date of awards, the employer is directed to pay lump-sum compensation in the form of salary for 130 days.

3. The employer/Bajaj Auto Limited is aggrieved by the awards both as regards merits as well as directions to pay interest. It must be added here that while interest is awarded in most of the references, in five references against which (Writ Petition No. 5812 of 2022, Writ Petition No. 11677 of 2022, Writ Petition No. 11678 of 2022, Writ Petition No. 11675 of 2022 and Writ Petition No. 11673 of 2022) no interest has been awarded by the Labour Court.

4. Mr. Talsania, learned senior advocate appearing for petitioner/Bajaj Auto Limited fairly submits that he would restrict the grievance in the petitions only to the aspect of award of interest at the rate of 6% per annum on the amount of compensation awarded to the workmen. On the other hand, learned counsel appearing for workmen are aggrieved by the quantification of compensation awarded by the Labour Court.

5. Let me first consider the grievance of the workmen about quantum of compensation awarded by the Labour Court. It is submitted on behalf of workmen that the Labour Court has erroneously taken into consideration monthly salary of Rs. 8,000/-, which was applicable in the year 1997. It is submitted that by the year 2012 the monthly salary of permanent employees had gone at Rs. 25,000/-and, therefore, Labour Court ought to have taken into consideration monthly salary of Rs. 25,000/- for applying formula for payment of salary. This contention is opposed by Mr. Talsania by submitting that workmen in the present petitions are fence-sitters, who did not question their termination for a long period of time and they cannot be paid a premium in the form of additional amount of

compensation over and above the one paid to their counterparts who approached Courts immediately after termination.

6. I find substance in the submissions of Mr. Talsania. The workmen involved in the present petitions are terminated during various years, the last terminations being in the year 1999. They did not question their termination by filing appropriate proceedings. Demand notices were issued in the year 2005 and reference was made on 04.07.2008. As against this, the workmen covered by judgment in the case of **Bajaj Auto Limited Vs. R. P. Savant and others** reported in **(2004) 9 SCC 486**, had approached the Labour Court immediately after their termination and after the matter traveled upto the Apex Court, a settlement was reached between the parties wherein it was decided to take into consideration monthly salary of Rs. 8,000/- for applying formula for computing lump-sum amount of compensation. Similar is the case of workmen covered by judgment in the case of **Bajaj Auto Limited Vs. Bhojane Gopianth D. and others** reported in **(2004) 9 SCC 488**, wherein also the concerned workmen had raised grievance relating to their termination within a reasonable time and the Supreme Court once again directed monthly salary of Rs. 8,000/- to be taken into consideration for computing amount of compensation. The workmen covered by the present petitions on the other hand did not file proceedings in respect of their termination till the year 2005. Therefore, they cannot be rewarded for their lethargy by awarding compensation at higher rate than the one awarded to all workmen who were vigilant in approaching the Courts.

7. There is yet another reason why the petitions filed by

workmen deserve to be rejected. As rightly submitted by Mr. Talsania, the workmen covered by the present petitions were waiting for outcome of litigations that were initiated by their cohorts and did not adopt any remedies in respect of their own rights till the year 2005. They raised demand notice for the first time in the year 2005, which resulted into a reference being made on 04th July, 2008. The awards were made partly in favour of workmen on various dates beginning from the year 2018. Immediately after the awards, the employer/Bajaj Auto Limited filed present petitions on 17th August, 2018. When the petitions came up for admission on 29th October, 2018, this Court directed deposit of principal amount of compensation sans interest. By order dated 02nd May, 2019, the deposited amount has been withdrawn by the workmen. Long after withdrawal of the compensation amount, the workmen have filed their own petitions in April 2022 for claiming enhanced amount of compensation. It is rightly pointed out by Mr. Talsania, that the petitions filed by workmen are in the nature of chance litigation after withdrawal of amount of compensation granted by the Labour Court and deposited by the employer in this Court.

8. Also of relevance is the fact that the Judgment in **Bajaj Auto Limited Vs. Rajendrakumar J. Kathar and others** reported in **(2013) 5 SCC 691** has been delivered by the Apex Court in the year 2013 when alleged wage rise for permanent employees to Rs. 25000 was already operational. Nonetheless the Apex Court directed the pay payable at the time of termination (Rs. 8000) to be taken into consideration in cases of workmen covered by judgment in Rajendrakumar J. Kathar. So what is not granted by the Apex Court to diligent workmen cannot be extended to the

Petitioner who exercised their remedies after long lapse of time. Therefore, the prayer for taking into consideration monthly salary of Rs. 25,000/- for applying formula for award of lump-sum amount of compensation deserves outright rejection.

9. Now, I come to the petitions filed by employer/Bajaj Auto limited. As observed above, Mr. Talsania, learned senior advocate has fairly given up the other points raised in the petitions and has restricted the grievance only to the direction for payment of 6% interest in some of the awards passed by the Labour Court. Mr. Talsania has pointed out that in several of the cases decided contemporaneously by the Labour Court, no interest was awarded on lump-sum amount of compensation. Even today, I have before me atleast five writ petitions (Writ Petition No. 5812 of 2022, Writ Petition No. 11677 of 2022, Writ Petition No. 11678 of 2022, Writ Petition No. 11675 of 2022 and Writ Petition No. 11673 of 2022), in which the Labour Court has not awarded any interest on the lump-sum amount of compensation.

10. Mr. Talsania has taken me through entire history of litigation under which formula for payment of lump-sum amount of compensation came to be fixed by the Apex Court. In **Bajaj Auto Limited Vs. R. P. Savant and others** (supra), the disputes were settled between the parties when the matter was reached upto Apex Court and in para No. 5 of the judgment it is held as under :

"5. The matter has been settled between the parties. It is agreed that the order of reinstatement in favour of the workmen be set aside and instead the appellant

management would pay to each of the workmen a lump sum amount calculated at 65 days' salary, inclusive of all allowances, for the number of years each workman has actually worked irrespective of the days a workman may have put in in a year. It is further agreed that the calculation would be made on the basis of work during a calendar year and that the calendar year in which a workman may not have worked at all would be kept out of consideration while calculating the amount. While calculating the salary for each workman the minimum salary that would be taken into account would be Rs. 8000 per month subject to the condition that if on the date of termination the salary of any particular workman is more then the calculation would be on the actual last-drawn salary. The calculation in the above manner would be made for the period upto the date of termination in the year 1997-98. For the period after termination till date, the basis of calculation would be lump sum three years of service on the basis aforesaid, namely, 65 days for each year i.e. salary for 195 days. The payment so calculated and made would be in full and final payment of all claims of the workmen and the workmen will have no further claim from the Company. The appeal is disposed of in the above terms agreed by learned counsel for the parties. The impugned judgment would not be treated as a precedent either on fact or on law."

11. Thus in **Bajaj Auto Limited Vs. R. P. Savant and others** (supra) while noting the formula for payment of lump-sum amount of compensation as per settlement reached between the parties, the Apex Court did not direct payment of any interest on the amount of compensation.

12. In **Bajaj Auto Limited Vs. Bhojane Gopianth D. and others** (supra) out of the total 1197 workmen, 1006 workmen had already compromised the matter and the Supreme Court fixed the formula for payment of lump-sum amount of compensation for remaining workmen in para No. 17 of the judgment the Supreme Court directed as under :

17. In Civil Appeal No. 5003 of 2002, the total number of respondents is 1197, out of which 1006 have compromised the matter as stated above. Now, so far as the remaining workmen are concerned, we are of the view that it would be just and expedient that they are paid a reasonable amount of compensation under Section 30 of the 1971 Act which would be calculated in the manner indicated hereinafter. Each of the remaining workmen shall be paid a lump-sum amount calculated at 85 days' salary, inclusive of all allowances, for the number of years each workman had actually worked irrespective of the days a workman may have put in in a year. The calculation would be made on the basis of work during a calendar year and that the calendar year in which a workman may not have worked at all would be kept out of consideration while calculating the amount. In calculating the salary for each workman, the minimum salary that would be taken into account would be Rs. 8,000/- per month subject to the condition that if on the date of termination, the salary of any particular workman was more, then the calculation would be made on actual last drawn salary. The calculation in the above said manner would be made for the period up to the date of termination in the year 1997-98. For the period after termination till date, the basis of calculation would be lump-sum two years of service on the basis aforesaid, namely, 85 days for each calendar year i.e. salary for 170 days.

13. Thus again in the case of **Bajaj Auto Limited Vs. Bhojane Gopianth D. and others** (supra), the Apex Court did not award any interest to the workmen covered by that judgment.

14. Again in **Bajaj Auto Limited Vs. Rajendrakumar J. Kathar and others** reported in **(2013) 5 SCC 691**, the Apex Court took into consideration the conduct of the workmen covered by that decision who were silent spectators when other group of cases were filed and made following observations in para No. 13 of the judgment.

13. The next plank of submission relates to the finding recorded by the Industrial Court relating to the absence of sufficient evidence to come to a conclusion that rotational practice had been adopted by the company. As is evincible, the Industrial Court has observed that even from the seniority list produced in complaint ULP No. 192 of 1997, it could not be pointed out that a particular workman was disengaged on earlier date and the workman who was disengaged five months to eighteen months prior was engaged in his place for the same work to have the rotation. We have already noted how the learned single Judge and the Division Bench have commented on the said aspect. In the earlier round of litigation, it relied on the same period while dealing with the rotational employment and other findings and recorded its view as under: -

“Learned counsel appearing on behalf of the appellant Company made a vain attempt to challenge the finding recorded by the Industrial Court to the effect that the workmen succeeded in providing that the appellant Company had employed unfair labour practice in its establishment in relation to the matters enumerated in Item 6 of Schedule IV of the 1971 Act. We have been taken through the award of the Industrial Court in extensor from which it appears that the court recorded the said finding after threadbare discussion of evidence adduced on behalf of the parties and there being no infirmity therein, the High Court was quite justified in not interfering with the same, accordingly, it is not possible for this Court to disturb the same in view of the fact that the finding is a pure finding of fact and no interference therewith is called for.”

15. Thus again in **Bajaj Auto Limited Vs. Rajendrakumar J. Kathar and others** (supra) Apex Court did not award any interest to the workmen covered by that decision.

16. The awards of the Labour Courts essentially followed the formula directed by the Apex Court in its decision **Bajaj Auto Limited Vs. Rajendrakumar J. Kathar and others** (supra). As observed above, in none of the judgments directing payment of

lump-sum compensation, the Apex Court awarded any interest. It is not that the amount of compensation was otherwise due or payable by the employer to the workmen in 2005 or 2008. Their entitlement to receipt of compensation was determined for the first time when Awards were made in 2018 onwards. Therefore, it is incomprehensible as to on what basis the Labour Court, in select cases, proceeded to award 6% interest on the amount of compensation. In my view therefore the direction of the Labour Court for payment of interest at the rate of 6% per annum on the amount of compensation from the date of filing of reference till its actual realization is unsustainable and the same deserves to be set aside.

17. Consequently, I proceed to pass following order.

O R D E R

- A. The writ petitions filed by the employer/Bajaj Auto Limited are partly allowed and direction of the Labour Court for payment of 6% interest per annum on the amount of lump-sum compensation is set aside.
- B. The Writ petitions filed by workmen are dismissed.
- C. In respect of workmen who have already withdrawn compensation amount deposited by the Bajaj Auto by providing solvent surety, their surety stands discharged.
- D. If any of the workmen who are yet to withdraw the deposited amount of compensation, such workmen are

permitted to withdraw the same without furnishing any surety.

E. Rule is discharged.

[SANDEEP V. MARNE, J.]

bsb/Dec. 22