

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

906 CIVIL APPLICATION NO.2537 OF 2022

IN WP/278/2017 WITH CA/2543/2022 IN WP/5901/2016 WITH CA/
2544/2022 IN WP/5909/2016 WITH CA/2545/2022 IN
WP/5908/2016 WITH CA/2549/2022 IN WP/5905/2016 WITH
CA/2565/2022 IN WP/5924/2016 WITH CA/2566/2022 IN
WP/5917/2016 WITH CA/2584/2022 IN WP/289/2017 WITH
WP/5903/2016 WITH WP/5902/2016 WITH WP/5917/2016 WITH
CA/2583/2022 IN WP/288/2017 WITH CA/5347/2021 IN
WP/296/2017 WITH WP/7191/2016 WITH WP/7198/2016 WITH
WP/282/2017 WITH WP/283/2017 WITH CA/2585/2022 IN
WP/290/2017 WITH WP/4792/2016 WITH WP/5924/2016 WITH
WP/5925/2016 WITH WP/5909/2016 WITH CA/2582/2022 IN
WP/286/2017 WITH WP/4794/2016 WITH WP/5904/2016 WITH
WP/5905/2016 WITH WP/287/2017 WITH WP/288/2017 WITH WP/
289/2017 WITH WP/291/2017 WITH CA/2546/2022 IN
WP/5907/2016 WITH CA/2547/2022 IN WP/5906/2016 WITH
WP/7188/2016 WITH WP/7189/2016 WITH CA/4523/2021 IN
WP/5922/2016 WITH WP/296/2017 WITH CA/2550/2022 IN
WP/5914/2016 WITH CA/2551/2022 IN WP/5913/2016 WITH
CA/2575/2022 IN WP/294/2017 WITH WP/295/2017 WITH
CA/2542/2022 IN WP/5902/2016 WITH WP/5923/2016 WITH
CA/4543/2021 IN WP/5915/2016 WITH CA/2580/2022 IN
WP/279/2017 WITH CA/2572/2022 IN WP/300/2017 WITH
CA/2578/2022 IN WP/282/2017 WITH CA/2559/2022 IN
WP/5915/2016 WITH CA/2553/2022 IN WP/5911/2016 WITH
CA/2560/2022 IN WP/5919/2016 WITH CA/2567/2022 IN
WP/5918/2016 WITH WP/294/2017 WITH WP/300/2017 WITH CA/
1593/2019 IN WP/286/2017 WITH WP/5911/2016 WITH
CA/4526/2021 IN WP/5903/2016 WITH WP/7196/2016 WITH
WP/292/2017 WITH CA/2541/2022 IN WP/5903/2016 WITH
WP/293/2017 WITH WP/5910/2016 WITH CA/2579/2022 IN
WP/281/2017 WITH CA/2568/2022 IN WP/284/2017 WITH
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WP/5916/2016 WITH WP/7190/2016 WITH CA/2562/2022 IN
WP/5921/2016 WITH CA/2569/2022 IN WP/287/2017 WITH
WP/7197/2016 WITH CA/2581/2022 IN WP/280/2017 WITH
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WP/292/2017 WITH CA/2552/2022 IN WP/5912/2016 WITH
WP/5907/2016 WITH CA/2571/2022 IN WP/299/2017 WITH
WP/299/2017 WITH WP/286/2017 WITH WP/5920/2016 WITH CA/

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WP/285/2017 WITH CA/2540/2022 IN WP/5904/2016 WITH
WP/298/2017 WITH CA/2563/2022 IN WP/5922/2016 WITH
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WP/5900/2016 WITH WP/5921/2016 WITH WP/5915/2016 WITH
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WP/7195/2016 WITH CA/4522/2021 IN WP/5915/2016 WITH
CA/5346/2021 IN WP/278/2017 WITH WP/278/2017 WITH
WP/290/2017 WITH WP/5913/2016 WITH CA/4371/2019 IN
WP/281/2017 WITH CA/2588/2022 IN WP/295/2017 WITH
WP/4795/2016 WITH CA/2574/2022 IN WP/298/2017 WITH
WP/7192/2016 WITH WP/7193/2016 WITH WP/7194/2016 WITH
WP/280/2017 WITH WP/4796/2016 WITH WP/4793/2016 WITH
WP/279/2017 WITH WP/281/2017 WITH WP/5914/2016 WITH WP/
5918/2016

THE MAHARASHTRA STATE CO-OPERATIVE BANK LTD.

VERSUS

RAMPRASAD KARBHARI KINGARE AND OTHERS

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Advocate for Applicant : Mr. Dhorde Vikram R

AGP for Respondent/State : Mr. P.G. Borade

Advocate for Respondent 1 : Mr. Y.P. Deshmukh, Mr. A.M. Pande

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CORAM : SMT. BHARATI H. DANGRE, J.

DATED : 23/02/2022

PER COURT :

1. Heard learned counsel Mr. Vikram Dhorde for the applicants and Mr. Y. B. Deshmukh for the respondent employee.

The petitions which are listed before this Court at item No. 906 are filed by the Maharashtra State Co-operative Bank Ltd. ('MSC

Bank' for short), being aggrieved by the distinct judgments delivered by the Industrial Court Maharashtra, Bench at Jalna in Complaint ULP filed by the respondents employees alleging unfair labour practice under item 9 and 10 and Schedule IV of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971 as respondents were denied their wages, bonus, increments etc. for the period set out in the complaint.

In the said complaint MSC Bank was impleaded as respondent No. 1, the Jalna Sahakar Sakhar Karkhana was impleaded as respondent Nos. 2 and 3 through it's Managing Director and Chairman and one Tapdiya Constructions Limited is impleaded as respondent No. 4.

2. The Industrial Court allowed the Complaint ULP filed by the respondents and declared that the respondents are engaged in unfair labour practice and they were directed to cease and desist from such labour practice. The respondent Nos. 1 to 4 were directed to pay jointly and severally the amount mentioned in the judgment along with interest from the date of presentation of Complaint till the realization of the whole dues of the respective complainants within a stipulated period .

3. Writ petitions are filed in the year 2016 and are pending for adjudication with the Court.

4. In the aforesaid writ petitions civil applications are taken out by the petitioner bank pointing out that during the pendency of complaint itself the respondent No. 4 had sold the sugar factory to a third entity i.e. M/s. Arjun Sugar Industries Private Limited and though this fact is alleged to have been within the knowledge of complainants, they did not take steps to implead M/s. Arjun Sugar Industries Private Limited as a party respondent in the complaints.

This aspect being a relevant and important aspect, by the present application M/s. Arjun Sugar Private Limited, is sought to be impleaded as party respondent along with insertion of paragraph Nos. 7-A and 7-C in the petition which narrate the events leading to respondent No. 4 selling of the Karkhana to the proposed respondent. The sale deed executed by respondent No. 4 in favour of M/s. Arjun Sugar Industries Private Limited dated 16.9.2013 and 5.5.2014 are sought to be brought on record.

5. The learned counsel for the applicant would submit that

this event had occurred during the pendency of complaint, but the complainant deliberately avoided to add the proposed respondent in the complaint. He would submit that for effective adjudication of the writ petitions, where the petitioner bank is challenging the liability fastened upon it along with respondent Nos. 2, 3 and 4, it is necessary to deal with the subsequent events where respondent No. 4 has already disposed of the property by selling the same to the proposed respondent.

The aforesaid application is opposed by the learned counsel for respondents by stating that their claim is against bank and now since the Karkhana has gone under the liquidation and the property of Karkhana is already sold and since surplus amount is lying with the Bank, which can be disbursed for the satisfaction of the judgment of the Industrial Court, in their favour.

6. On consideration of rival claims it is apparent that the proposed respondent is necessary party since respondent No. 4 to the complaint has already sold the property to the proposed respondent vide registered sale deed and in the wake of aforesaid development, which infact occurred during the pendency of the proceedings before the Industrial Court, by reserving the right of respondents to claim

their dues in terms of the impugned judgment, which in any case would be defeated and the application which seek inclusion of new respondent is allowed, it would be convenient for the Court to deal with the situation as it exists today.

Impleadment of aforesaid respondent being necessary for effective adjudication of the writ petitions, civil applications filed in distinct writ petitions for adding party are allowed.

The necessary amendment to be carried out within a period of two weeks from today.

7. Upon the amendment being carried out issue notice to the newly added respondent by making it returnable on 30.3.2022. It is made clear that the petitioner shall take steps by whatever mode available to serve the newly added respondent before the next date and service is permitted by Hamdast, private service, email or whatever other mode available for effective service.

Since petitions are pending from 2016 and it is informed that connected writ petitions involving similar issue i.e. Writ Petition No. 5900/2016 to Writ Petition No. 5925/2016 are already admitted, it would be appropriate to hear the writ petitions collectively and for the said purpose, all the petitions listed at item No. 906 also deserve

similar treatment.

Hence, **Rule.** Learned counsel Mr. Y.P. Deshmukh waives service for respondents in each petitions

By consensus, the parties agree that all these writ petitions be listed for final hearing. List for hearing on 11.4.2022.

The parties are at liberty to mention before the learned Judge to take up the writ petitions at 2.30 p.m. since they are likely to be argued for final hearing.

8. All the civil applications filed for adding party are allowed in above terms.

[SMT. BHARATI H. DANGRE, J.]

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