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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 7499 OF 2022**

Madhyam Agrivet Industries Ltd. and ors. ..Petitioners

vs.

Dyanoba Namdeo Tupsanvendar and ors. ..Respondents

Mr. T.K. Prabhakaran a/w Mr. Satyadev Pandey, for petitioners.

Ms. Jane Cox a/w Ms. Rohini Thyagarajan, for Respondents No. 1 to 6.

CORAM : M. S. KARNIK, J.

DATE : SEPTEMBER 21, 2022

P.C. :

1. Learned counsel for the petitioners- employer as well as learned counsel for the respondents -employees argued the matter for some time. The order impugned passed by the Industrial Court is an interim order. By this interim order, the Industrial Court directed the employer to pay 50% of the salary to the respondents no. 1 to 6 for the period 03/04/2017 to 14/09/2018 within two months from the date of the order i.e. 11/04/2022. On such deposit being made, undertaking was to be executed by respondents no. 1 to 6 as well as the Union that they shall

be responsible for refund of the amount and on executing that undertaking, amount was to be paid to the respondents no. 1 to 6.

2. After the matter was heard for some time, learned counsel for the petitioners- employer submitted that the petitioners are willing to deposit the amount with the Industrial Court as directed in the interim order passed by the Industrial Court instead of paying it over to the employees concerned which deposit can abide by the final outcome of the complaint of unfair labour practice filed before the Industrial Court.

3. Learned counsel for the respondents-employees fairly submitted that such amount, if secured by way of deposit will satisfy the respondents no. 1 to 6 for the present, but requested the complaint be expedited. Accordingly, the order of the Industrial Court is modified to the extent that the amount of 50% of the salary in terms of the order dated 11/04/2022 be now deposited by the employer with the Industrial Court within a period of four weeks from today as submitted by learned counsel for the employees. The

amount be invested in a nationalised bank. The said amount would abide by the final outcome of the complaint filed before the Industrial Court.

4. Considering the nature of the litigation and as the matter before the Industrial Court is of the year 2019, the Industrial Court is requested to expedite and decide the complaint as early as possible, preferably within a period of six months from today.

5. It is made clear that this order is passed in view of the concession given by the learned counsel for the parties. I have not examined the merits of the matter. All contentions are kept open.

6. The Industrial Court to decide the main matter on the basis of the pleadings and evidence that may be adduced without being influenced by the observations made by me in this order or by the Industrial Court in the impugned order.

7. The writ petition is disposed of in the above terms.

(M. S. KARNIK, J.)