

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 1128 of 2020

The Chief Officer, Karmala Nagar
Parishad Karmala & Anr .. Petitioners
Versus
Smt.Laxmibai Namdev Jagtap .. Respondent

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Mr. Sarang S. Aradhya for the petitioners.
Mr.Nitin L. Rajguru for respondent no.1.

CORAM: RAVINDRA V. GHUGE, J.
DATED : 3rd FEBRUARY, 2022

P.C:-

1 By this petition, the petitioner-Municipal Council, is aggrieved by the inter-locutory order dated 20/08/2019 delivered by the learned Member, Industrial Court, Solapur, by which application Exh.-U-2, filed by the respondent, in Complaint (ULP) No.9 of 2019 was allowed and the petitioner is directed to pay an amount of Rs.2,49,503/- to the complainant, within two months.

2 A criminal complaint has now been filed against the petitioner under Section 48(1) of the MRTU & PULP Act.

3 The learned advocate for the petitioners has drawn my attention to the following aspects of the case:

- (a) An ex-parte judgment dated 30/10/2003 is delivered by the Industrial Court in Complaint (ULP) No.242 of 1996 in favour of Namdeo Vishnu Jagtap.
- (b) The petitioners moved the Industrial Court for recalling the ex-parte judgment.
- (c) By order dated 24/11/2006, the said application was rejected by the Industrial Court.
- (d) The petitioners moved the learned Single Judge of this court in Writ Petition No.1823 of 2007.
- (e) By order dated 01/08/2007, the petition was dismissed.
- (f) The petitioners moved LPA No.318 of 2007 before the learned Division Bench of this court.
- (g) By judgment dated 12/03/2009, the LPA was dismissed.
- (h) The petitioners approached the Hon'ble Apex Court in Special Leave to Appeal No.30652 of 2009. The Hon'ble Apex Court dismissed the SLP. However, the Hon'ble Apex Court directed the petitioners as under:

“While implementing the orders passed by the Industrial Court, the respondents would be entitled to receive a sum of Rs.1 lakh in full and final settlement of all their claims, including back-wages.”

- (i) The petitioners moved a proposal on 03/12/2015 for seeking sanction of the Principal Secretary, Directorate of Municipal Administration, for making payment of the amounts to all the workers at issue, including Namdeo V. Jagtap.
- (j) On 22/07/2016, the proposal was approved.
- (k) However, on 12/07/2016, Namdeo V. Jagtap died.
- (l) On 31/3/2017, the petitioner is said to have paid Rs.One lakh to the respondent Laxmibai, widow of Namdeo.

4 The learned Advocate Mr.Rajguru representing the respondent Laxmibai admits on instructions that Laxmibai received Rs.One lakh from the petitioner through a cheque bearing No.43976 dated 31/3/2017.

5 The learned Advocate for the petitioner submits, on instructions, that it would be appropriate for the petitioners to approach the Industrial Court by preferring a Review Application as permissible under the proviso below Section 30(2) so as to seek

a review of the interlocutory order dated 20/8/2019 as the above stated factors were not brought to the notice of the Court. He, therefore, prays on instructions, to withdraw this Petition.

6 In view of the above, this Petition is disposed off as withdrawn.

7 The petitioner would be at liberty to avail of the remedy, as is prescribed under the proviso to Section 30(2) of the MRTU & PULP Act, 1971. Needless to state, all the contentions of the parties are left open.

RAVINDRA V. GHUGE, J