

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 2715 OF 2022

Government Medical College & Hospital, Chandrapur__ Vs. __Kanchan Ramesh
Chinchekar and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. A.A.Dhawas, Advocate for petitioner
Mr. N.S.Khandewale, Advocate for Respondent Nos. 1 to 274
Ms. Kirti Satpute, Advocate for Respondent No. 276
Mr. M.Limaye, Advocate for Respondent No. 277
Mr. Mir Nagman Ali, Advocate for Respondent No. 278

CORAM : AVINASH G. GHAROTE, J.

DATE : 29/08/2022

1] At the outset, Mr. Dhawas, learned counsel for the petitioner submits on instructions that the challenge in the present petition is restricted to only operative para nos. 3 & 4 of the impugned order dated 20.4.2022 (page 76).

2] The statement is accepted as a statement to the Court and that brings the impugned order in relation to operative para 2 in force, in view of which he submits that the petitioner has no objection if the amount as directed to be deposited in this Court is paid over to Respondent Nos. 1 to 274.

3] It is an admitted position that Respondent Nos. 1 to 274 were at one point of time engaged by Respondent Nos. 277 and 278 on contract basis. It is however submitted that the contract of Respondent Nos.

277 & 278 were terminated on 5.3.2020 and thereafter the petitioner had employed some of the respondents directly. That by itself would not give an entitlement to the Respondent Nos. 1 to 274 of being continued to be engaged, as they were temporarily engaged for the Covid-19 Pandemic and some of them even prior thereto. However, such a claim shall have to be decided on its own merits on the basis of the evidence to be recorded and therefore, the impugned order dated 20.4.2022 in so far as it relates to direction nos. 3 & 4 therein cannot be sustained and therefore, the impugned order is quashed and set aside in so far as the direction Nos. 3 and 4 are concerned.

4] In view of the above, since by an order dated 20.4.2022, the learned Industrial Court (page 76) had directed the Government Medical College, Chandrapur, to deposit the outstanding wages of the complainants within one month amongst other reliefs granted on an interim application below Exh. U-22 and by an order dated 22.6.2022 this Court directed the deposit of the amount towards wages payable to the respondent Nos.1 to 274 in this Court with liberty to move an application for withdrawal upon deposit being made, in pursuance to the Order dated 22.6.2022, an amount of ₹. 74,94,814 and ₹.69,99,525 have been deposited in this Court by two cheques as per the farad entry dated 5.7.2022, since the challenge in the petition in so far as direction Nos. 3 and 4 of the operative part of the impugned order has

been upheld, there would be no impediment for release of the amount as deposited in this Court in favour of Respondent Nos. 1 to 274, for which learned counsel for the petitioner has no objection. The learned counsels for respondent Nos. 277 & 278 also have no objection to such a course of action.

5] Since the learned Industrial Court, Chandrapur, is already seized of the matter, it would be appropriate if the work of release and disbursement of this amount to the respondent nos. 1 to 274 be made by the learned Industrial Court, considering which the amount as deposited in this Court, indicated above, be transmitted to the Industrial Court Chandrapur, who upon receipt of the same, shall disburse the amount to the Respondent Nos. 1 to 274 as per their entitlement, as claimed in the complaint. It is however made clear that such disbursal shall be subject to the final decision of Complaint No. 1 of 2022.

6] The statutory deductions made by the present petitioner be also deposited with the learned Industrial Court, Chandrapur, who shall decide its entitlement during final decision of the Complaint No.1 of 2022.

JUDGE

Rvjalit

Digitally sign by RAJESH
VASANTRAO JALIT
Location:
Signing Date: 29.08.2022 18:26