



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

WRIT PETITION NO.4813/2023

1. Suryanarayan Gulabrao Jawanjal,
Age 62, Traffic Controller, MSRTC,
Chikhali Depot, Buldhana Division,
R/o Ward No.8, Swamivivekanand
Nagar, Khandala Road, Chikhali,
Tq. Chikhali, Dist. Buldhana.
2. Shyam Madhukar Joshi,
Age 55, Traffic Controller, MSRTC,
Chikhali Depot, Buldhana Division,
R/o Ward No.8, Gajanan
Nagar, Khandala Road, Chikhali,
Tq. Chikhali, Dist. Buldhana.
3. Shriram Suryabhan Jadhav,
Age 60, Ex. Traffic Controller, MSRTC,
Chikhali Depot, Buldhana Division,
R/o Muradpura, Post Bharose,
Tq. Chikhali, Dist. Buldhana.
4. Ramesh Dagadu Gujnalkar,
Age 58 Yrs., Ex-Traffic Controller,
Chikhali Depot, M.S.R.T.C. Buldhana
Division, R/o Ward No.21, Khadagpura,
Chikhali, Tq. Chikhali, Dist. Buldhana.
5. Chandrashekhar Vasudev Nafade,
Age Adult, Ex. Sahayak Karagir,
M.S.R.T.C. Divisional Workshop
Buldhana, Buldhana Division,
R/o Lahane Layout, Samarth Nagar,
Buldhana, Tq. and Dist. Buldhana.

6. Dadaro Deorao Bhojane,
Driver, MSRTC, Jalgaon Jamod
Depot, Buldhana Division, R/o
Akola, Tq. & Dist. Akola.
7. Sau. Maltibai Ramesh Lonkar
W/o late Ramesh Rajaram Lonkar,
and Vijay Ramesh Lonkar, Ex-Driver,
MSRTC, Mehkar Depot, Buldhana
Division, R/o Tilak Nagar, Janefal
Road, I/F 132 KV, Mehkar, Tq.
Mehkar, Dist. Buldhana.
8. Ashabee Sk. Sandal W/o late Sheikh
Hamid Sheikh Sandal, Ex. Conductor
MSRTC, Chikhali Depot, R/o Chikhali,
Dist. Buldhana.
9. Ravindra Dagadu Khedekar,
age 58 Yrs., Ex. Depot Manager,
MSRTC, Buldhana Division, R/o
Sagwan, Tq. & Dist. Buldhana.
10. Deshrath Vishwanath Pandav,
age 61 Yrs. Ex. Driver, MSRTC,
Mehkar, Buldhana Division, R/o
Dongaon, Tq. Mehkar, Dist. Buldhana.
11. Pandit Namdeorao Chaudhari,
age about 59, Occ. Nil,
Ex. Driver, MSRTC, Buldhana
Depot, Buldhana Division, R/o
Sudhir Chandak Wada, Ahras
Layout, Buldhana, Dist. Buldhana.

12. Pandurang Trambak Patil,
Ex. Conductor, MSRTC, the
inhabitant of Post Kewlad,
Tq. Chikhali, Dist. Buldhana.
13. Rajendrakumar Shankarrao Ingale,
Ex. Peon, MSRTC, Shegaon Depot,
Buldhana Division, R/o Shegaon,
Dist. Buldhana.
14. Ramesh Bhikchand Patthey,
age 63 Yrs., Ex. Conductor,
MSRTC, Chikhali Depot,
Buldhana Division, R/o Pundalik
Nagar, Ward No.5, Chikhali,
Dist. Buldhana.
15. Smt. Usha Dilip Gawai W/o late
Dilip Dhyanba Gawai, age about
58, Ex. Conductor, MSRTC, Buldhana
Depot, Buldhana Division, R/o Milind
Nagar, Buldhana, Tq. and Dist. Buldhana.
16. Bhanudas Rokadi Dhotre,
age about 55 Yrs., Ex. Conductor,
MSRTC, Mehkar Depot, Buldhana
Division, R/o Gothara, Post
Nandra, Tq. Lonar, Dist. Buldhana.
17. Gajanan Dadarao Deshmukh,
Ex. Conductor, MSRTC, Buldhana
Division, R/o Chinchpur, Tq. Khamgaon,
Dist. Buldhana.

... Petitioners

- Versus -

1. District Collector,

Collector Office, Buldhana.

2. Divisional Controller, M.S.R.T.C.,
Divisional office, Buldhana Division,
Malkapur Road, Buldhana.

... Respondents

Mr. P.N. Verma, Counsel for the Petitioners.

Mr. A.S. Fulzele, Additional Government Pleader for Respondent
No.1.

CORAM: A.S. CHANDURKAR & MRS. VRUSHALI V. JOSHI, JJ.

DATE : 25.9.2023

ORAL JUDGMENT (Per A.S. Chandurkar, J.)

Heard. Rule. Rule made returnable forthwith.

Heard finally by consent of learned counsel for the parties.

2. Each petitioner was in employment with second
respondent - Maharashtra State Road Transport Corporation.
The proceedings under Section 33-C (2) of the Industrial
Disputes Act, 1947 and Section 8 of the Payment of Gratuity Act,

1972 were initiated by the petitioners which ultimately resulted in passing of orders in their favour. The Labour Court has issued recovery certificates that have been addressed to the Collector. The grievance of the petitioners is that despite considerable time of more than a year having lapsed from issuance of the recovery certificates the same have not been executed. Reliance is placed on the judgment of the Division Bench in the case of Islam Ali V/s. D. Dayaram & Co. and others reported in 1998 (80) FLR 719 to urge that such execution ought to be undertaken within a period of three months.

3. Though the learned Additional Government Pleader has sought time to obtain instructions we find that in view of provisions of Section 33-C(2) time of three months has been prescribed to effect such execution. Since such recovery certificates have been issued more than a year ago the writ petition is disposed of by directing respondent No.1 to execute the recovery certificates issued against the respondent No.2

within a period of three months of receiving copy of this judgment. Rule is disposed of in aforesaid terms. No costs.

(MRS. VRUSHALI V. JOSHI, J.)

(A.S. CHANDURKAR, J.)