

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

WRIT PETITION NO.6109 OF 2022

(GOVERNMENT MEDICAL COLLEGE & HOSPITAL, CHANDRAPUR...VS.. SAU. DARSHANA
MORESHWAR ZADE & OTH.)

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

Court's or Judge's orders

Shri A.A.Dhawas, Advocate for Petitioner.
Ms Mansi Kadu, Advocate for Respondent Nos. 1 to 4.
Shir G.D.Asole, Advocate for Respondent No.5.
Shri S.S.Taram, Advocate for Respondent No.6.

CORAM : ANIL S. KILOR, J.
DATED : AUGUST 07, 2023.

1. Heard.

2. The order dated 30/09/2021 passed by Industrial Court, Chandrapur in Complaint (ULP) No.14 of 2021 issuing following directions, is under challenge in this writ petition. The operative part of the order reads thus:

- “1. The application stands partly allowed.*
- 2. The respondent No.1 is hereby directed to deposit the outstanding wages of the complainants within one month from the date of this order in this court.*
- 3. There shall not be any change in the service conditions of the complainants during the pendency of the complaint.*
- 4. The respondent Nos. 1, 2 and 3 are further restrained from employing any person in place of the complainants during the pendency of the complaint. Any such appointment of workers done in place of the complainants shall be terminated. On receipt of their wages, the respondent No.1 should*

allow the complainants to resume their work.

5. Cost to follow the events.”

3. In a similar matter, this Court vide order dated 29/08/2022 had transmitted the amount deposited in this Court to the Industrial Court, Chandrapur with a direction to disburse the said amount to the respondents in that case, and also directed the Industrial Court to decide the entitlement during the final decision of the complaint.

4. The learned counsel for the respective parties are agreeable for similar order.

5. In this case, the amount has already been deposited by the petitioner before the Industrial Court.

6. Accordingly, I pass the following order:

- i) Clauses (3) and (4) of the operative part of the impugned order dated 30/09/2021 passed by Member, Industrial Court, Chandrapur are hereby quashed and set aside.
- ii) The Industrial Court shall disburse the amount, deposited by the petitioner, to the respondent Nos.1 to 4 as per their entitlement as claimed in the complaint. However, such disbursement shall be subject to the final result of Complaint

(ULP) No.14 of 2021.

- iii) Needless to mention that the statutory deductions, if any, made by the petitioner shall also be deposited with the Industrial Court, Chandrapur, who shall decide its entitlement during final decision of the complaint.
- iv) The learned Member, Industrial Court, Chandrapur shall expedite the matter and decide the Complaint (ULP) No.14 of 2021 at the earliest.

The Writ Petition is **disposed of** accordingly.
No order as to costs.

JUDGE

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