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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**908 WRIT PETITION NO. 4132 OF 2020**

**LAXMAN ANNARAO PHULARE AND OTHERS**

**VERSUS**

**THE STATE OF MAHARASHTRA AND OTHERS**

....

Mr A. V. Patil, Advocate for Petitioners

Mr N. S. Tekale, A.G.P. for Respondents/State

**CORAM : RAVINDRA V. GHUGE**

**AND**

**Y. G. KHOBRAGADE, JJ.**

**DATE : 20th September, 2024**

**PER COURT:**

1. This matter was circulated for the first time on 10/01/2024 and an adjournment was sought. Again an adjournment was sought on 30/01/2024, Even thereafter, adjournments were sought on 27/02/2024, 12/04/2024 and 03/09/2024.

2. The issue is that, all these Petitioners, who are workmen, claim to be the employees of the Employer 'Kailas

(2)

Techno Development Trust', which is an 'Industry' under Section 2(j) of the Industrial Disputes Act, 1947. All these Petitioners claimed that, there are several dues unpaid by the Employer. It is further submitted that, some of the co-workmen have approached the Labour Court for recovery of the unpaid dues from the Employer. The Employer has not been arrayed in the Writ Petition.

3. Considering the above, the Petitioners will have to establish before the Labour Court, as to whether there is an actual closure of the factory by the said Employer, as to whether there are unpaid dues, as to whether the dues have been quantified or have to be quantified by the Labour Court. Such issues can be gone into by the Industrial Court under Item 9 of Schedule IV of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971, or by the Labour Court under Section 33(C)(2) of the Industrial Disputes Act, 1947.

4. By keeping the above liberty open, the learned Advocate for the Petitioners submits that the Petitioners would withdraw this Writ Petition.

5. In view of the above statement and with the aforesaid liberty, **this Writ Petition is disposed off**, as withdrawn on instructions.

**(Y. G. KHOBRADE, J.)**

**(RAVINDRA V. GHUGE, J.)**

sjk