



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 1707 OF 2024

Khatib Salimbegum Mukhid
And Others

...Petitioners

VERSUS

The State Of Maharashtra Through Its
Secretary And Others

....Respondents

....

Mr. U. V. Khonde, Advocate for the Petitioners

Mr. S. K. Tambe, AGP for Respondents – State

...

CORAM : RAVINDRA V. GHUGE &
R. M. JOSHI, JJ

DATE : FEBRUARY 21, 2024

PER COURT :

1. Petitioners are before this Court after a long journey of litigation, which culminated into a judgment dated 26.06.2023 delivered by the Industrial Court in Application Recovery (ULP) No. 7/2022 under Section 50 of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971. The directions issued by the Industrial Court are as under:

ORDER

1. Application is partly allowed with costs.

2. The respondent is liable to pay amount

calculated by the applicant in Annexure "A" from February-1991 to 02.06.2013 which amounts to Rs. 6,84,973/- along with interest @ 10% p.a. from February-2010 till its actual realization.

3. A Recovery Certificate under Section 50 of the M.R.T.U. & P.U.L.P. Act, 1971 in Form 25 under Regulation No. 142 of the Industrial Court Regulations, 1975 be issued the learned District Collector, Beed authorizing him to recover an amount of Rs. 6,84,973/- with interest @ 10% p.a. from February-2010 till the date of actual realization of the actual amount from the respondent, along with cost of Rs.10,000/- as an arrears of land revenue.

2. The learned AGP informs us that despite a communication with Respondent No. 4, there has been no response from the said authority. He further points out that the concerned officer of Respondent No. 4 is Mr. Swami, Executive Engineer, P.W.D., Ambajogai and despite a communication from the Office of the Government Pleader, there has been no response from him.

3. In matters pertaining to Revenue Recovery Certificate (RRC), it is only to be verified as to whether the judgment, which is the basis of the RRC, has attained finality. We are informed by the learned

Advocate for Petitioners that the judgment, which forms the foundation of the RRC, has not been set aside by any superior Court.

4. In view of the above, this **Writ Petition is allowed**. We direct Respondent No. 2 to ensure that the RRC is executed through Respondent No. 3 within 45 days from today.

5. Considering the non-cooperation of Respondent No. 4, we are directing cost of Rs. 10,000/- (Rupees Ten Thousand Only) to be deposited by the Respondent No. 4 Mr. Swami, Executive Engineer, P.W.D., Ambajogai in this Court from his **salary account**. The amount shall be deposited within 30 days. We direct the Secretary, Public Works Department, Government of Maharashtra, to record this order in the service book of the Respondent No. 4 Mr. Swami.

6. The learned Registrar (Judicial) of this Court would forward a copy of this order to the Secretary, Public Works Department, Government of Maharashtra.

7. The Petitioners are at liberty to withdraw the said amount through Petitioner No. 1, who is the widow

of the deceased employee, under identification of the learned Advocate, without any conditions.

(R. M. JOSHI, J)

(RAVINDRA V. GHUGE, J)

Malani