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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.11038 OF 2022

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Maharashtra State Coop. Sugar
Factories Federation Ltd. & Anr.

... Petitioners

V/s.

Niranjan Vasantrya Nalawade

... Respondent

WITH

WRIT PETITION NO.3202 OF 2023

Jayprakash Dandegaonkar & Anr.

... Petitioners

V/s.

Niranjan Vasantrya Nalawade

... Respondent

Mr. K.N. Kandekar with Mr. Bhushan Mahadik, Ms.
Pallavi Pukale, Ms. Nikita Pawar, Ms. Neha Sule and
Ms. Varsha Bhosale for the petitioners.

Mr. Niranjan V. Nalawade, respondent, present in-
person.

Mr. Hamid D. Mulla, AGP for the State.

CORAM : AMIT BORKAR, J.

DATED : FEBRUARY 29, 2024

PC.:

1. The petitioners are challenging order dated 26 August 2021 allowing application U-2 directing petitioners to pay 50% of wages to the respondent till the decision in the complaint. While passing such order, the Labour Court recorded a finding that the respondent has proved that he is workman based on material on record.

2. It is not in dispute that before passing of such order, respondent had not stepped into witness box. In the absence of oral evidence, the issue of workman which is mixed question of law and fact could not have been answered by the Labour Court.

3. This Court by order dated 6 October 2023 balanced equities in the fact situation of the present matter by directing petitioner to deposit 50% of wages and continue such deposit till the decision of the Labour Court. This Court also directed that deposited amount shall be invested. Therefore, in my opinion, the order dated 6 October 2023 balances equities between the parties.

4. It is well settled that it is for the workman to lead evidence in support of his case that he is workman. It is not in dispute that the complaint between the parties is part-heard and is fixed for hearing on 4 March 2024. It is, therefore, expected that the petitioner and respondent shall cooperate with the Labour Court and shall not seek unnecessary adjournments. In case, the Labour Court finds that the adjournment is not necessary, the Court shall refuse to grant unnecessary adjournment to the parties.

5. Considering the nature of dispute, the Labour Court shall decide the Complaint (ULP) No.70 of 2020 as expeditiously as possible.

6. The impugned order dated 26 August 2021 stands modified as per clause 3 of the order dated 6 October 2023 passed by this Court to mean that the petitioner shall continue to deposit 50% of the wages in respect of future period till the decision of the complaint by the Labour Court.

7. In Writ Petition No.3202 of 2023, the order impugned has been passed for non-compliance of clause 2 of the order in Writ Petition No.11038 of 2022. Since the impugned order in Writ Petition No.11038 of 2022 has been modified, the order impugned in Writ Petition No.3202 of 2023 need to be quashed and set aside. Hence, the impugned order dated 6 January 2023 passed in Miscellaneous Criminal Complaint No. 31 of 2021 in Complaint (ULP) No.70 of 2020 is quashed and set aside.

8. With this modification, both the writ petitions stand disposed of. No costs.

(AMIT BORKAR, J.)