

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.1026 OF 2024

M/s. Gogia Interiors & Anr. ...Petitioners
Versus
Shramjivi Kamgar Union _____ ...Respondent

Mr. Manoj Gujar a/w. Mr. Manas Gawankar a/w. Mr. Prithviraj Singh, Advocates, for the Petitioners.
Mr. Sudeshkumar Naidu a/w. Mr. T. R. Yadav, Mr. Pradeep Kumar, Advocates, i/b. C. R. Naidu & Co., for the Respondent.

CORAM: MADHAV J. JAMDAR, J.
DATED : 25th JUNE 2024

P. C.:

1. Heard Mr. Gawankar, learned Counsel for the Petitioners and Mr. Gujar, learned Counsel for the Respondent yesterday extensively.
2. The operative part of the impugned Order dated 19th September 2022 passed by the learned Member, Industrial Court, Mumbai below Exhibit-U-2 in Complaint (ULP) No.295 of 2018 reads as follows:

“O R D E R

i) The Application vide Exhibit U-2 is hereby partly allowed i.e. only in respect of clause No.2 of prayer clause of interim relief application.

ii) Respondents are directed to pay earned wages of the member-employees of Complainant Union for the period June 2018 to August 2018, whose names are mentioned in Annexure-A of the Complaint, within 2 1/2 months from the date of this Order or deposit it within the said period before this Court.

iii) No order as to cost.”

(Emphasis added)

3. On 29th November 2022, a learned Single Judge (Coram: Nitin W. Sambre, J.) has passed the following order in this Writ Petition:

“1. The order impugned dated 19/09/2022 passed below Exhibit U-2 by the Industrial Court at Mumbai in Complaint (ULP) No. 295 of 2018.

2. The claim in the complaint alleging unfair labour practice was that of earned wages for the month of June to August, 2018 were not paid. The Industrial Court has noticed that there is no specific denial and as such, proceeded to direct the petitioner-employer to pay the earned wages.

3. It is claimed that the order impugned granting interim relief is based on the appreciation of pleadings as to the absence of specific denial of such liability. It is also claimed that the interim relief is granted, which is in the form of final relief as is claimed in clause (b) in the complaint.

4. There appears to be substance in the submissions.

5. Issue notice to the respondent, returnable on 10/01/2023.

6. In the meantime, the petitioners are directed to deposit 75% of the amount of earned wages as is directed vide impugned order alongwith detailed calculations within a period of two weeks from today.

7. Subject to aforesaid compliance, there shall be no coercive action against the petitioners.”

(Emphasis added)

4. Thus, 75% of the earned wages as directed vide impugned Order dated 19th September 2022 are deposited in this Court. Mr. Gawankar, learned Counsel for the Petitioners on instructions states that the Petitioners are ready and willing to deposit balance 25% of the amount of earned wages in this Court as directed by the impugned order along with detailed calculation within a period of two weeks from today. Said statement made by Mr. Gawankar, learned Counsel for the Petitioners on instructions is accepted as an undertaking given to this Court. In view of the said statement, the interest of the workers is completely protected.

5. Both the learned Counsel state that instead of deciding the point of law raised in the Petition, in the interest of justice, the said

Complaint (ULP) No.295 of 2018 be directed to be finally disposed of in a time bound manner.

6. Accordingly, the Writ Petition can be disposed of by passing the following order:

ORDER

i. As the Petitioners have already deposited 75% amount of the earned wages as directed by the impugned Order dated 19th September 2022 in this Court pursuant to order of learned Single Judge dated 29th November 2022 and as Mr. Gawankar, learned Counsel for the Petitioners has made statement that balance 25% amount will be deposited in this Court within a period of two weeks from today, therefore, the impugned Order dated 19th September 2022 passed by the learned Member, Industrial Court, below Exhibit-U-2 in Complaint (ULP) No.295 of 2018 is complied with.

ii. The amount which has been already deposited in this Court i.e. 75% amount and balance amount i.e. 25% which will be deposited in this Court within a period of two weeks be

transferred to the Court of Industrial Court, Mumbai within four weeks thereafter.

iii. Learned Member, Industrial Court, Mumbai is requested to dispose of Complaint (ULP) No.295 of 2018 on or before **30th April 2025**.

iv. Needless to mention that the amount deposited in this Court (which will be transferred to the Industrial Court, Mumbai) shall abide by the final Award which is to be passed in Complaint (ULP) No.295 of 2018.

7. It is clarified that this Court has not considered the merits and all contentions on merits are expressly kept open.

8. The Writ Petition is disposed of with no order as to costs.

[MADHAV J. JAMDAR, J.]

SONALI
MILIND
PATIL

Digitally
signed by
SONALI
MILIND
PATIL
Date:
2024.06.25
18:44:03
+0530