



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

WRIT PETITION NO.2667/2011

MSRTC .Vs. Suresh Pandurang Mane

AND

WRIT PETITION NO.2668/2011

MSRTC .Vs. Ramnath Dattuji Salunke

AND

WRIT PETITION NO.2669/2011

MSRTC .Vs. Ramesh Dadaji Bawaskar

AND

WRIT PETITION NO.2671/2011

MSRTC .Vs. Laxman Motiramji Wairagade

AND

WRIT PETITION NO.2670/2011

MSRTC .Vs. Prabhakar Diwakar Taide

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

Court's or Judge's orders

Mr. R. S. Charpe, Advocate for petitioner.

Mr. K. R. Lule, Advocate for respondents.

CORAM : ANIL L. PANSARE, J.

DATE : NOVEMBER 21, 2024

On 24.10.2024, following order was passed.

"On previous date, following order was passed.

"Counsel for the respondents seeks time to take instructions as regards pursis filed by petitioner in compliance to order dated 12.09.2024, wherein the petitioner has stated, that pay fixation order of all the respondents have been drawn in compliance to the order of Industrial Court. Counsel for the petitioner further submits that the payment on the basis of such pay fixation has been made to the respondents who have accepted the same. He further submits that the respondents have admitted the aforesaid fact in the cross-examination as well.

Counsel for the respondents seeks time to take instructions. Granted.

Stand over to 24.10.2024."

None appears for the respondents. If the respondents fails to make submissions on the facts stated above on the next date, it will be presumed that the respondents have no grievance against the pay fixation order. Even otherwise, it is said to be not challenged by them in appropriate proceedings. It will be accordingly presumed that the petitioner, in compliance to order passed by the Industrial Court, has not only passed pay fixation order but also paid dues to the respondents.

The petitioner's grievance in the present petitions is that despite aforesaid status, the Labour Court has vide impugned order directed the petitioner to pay additional amounts towards arrears of pay, which according to the petitioner is not what Industrial Court has ordered.

At this stage, learned counsel for respondents appeared and submits that he could not contact the respondents. Accordingly, he seeks time to makes his submissions.

List in the week commencing from 18-11-2024, as a last chance.”

As could be seen, the respondents' counsel was put to notice that if he fails to make statement of facts noted in the order, it will be presumed that order passed by Industrial Court has been complied by the petitioner and that an additional amount towards arrears of pay as directed by the Labour Court was not payable.

Counsel for the the respondents submits that despite his efforts he could not contact the respondents and, therefore, is not in a position to throw light on the aforesaid issue.

In view thereof, in terms of order dated 24.10.2024, it is presumed that the petitioner has complied with order passed by the Industrial Court.

Labour Court thus committed perversity in directing the petitioner to pay additional amount towards arrears of pay.

The writ petitions are accordingly allowed. The impugned orders dated 02.09.2010 passed by Labour Court, Wardha in IDA Case Nos.11/2007, 10/2007, 12/2007, 13/2007 and 9/2007 are quashed and set aside. The petitioner is permitted to withdraw the amount deposited by it with this Court in terms of interim order passed in these petition.

No order as to costs.

(Anil L. Pansare, J.)

Kahale