



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

WRIT PETITION NO. 3440/2019

Vidarbha Hindi Sahitya Sammelan Mor Hindi Bhawan .Vs. Raju Keshavrao
Lawat and anr.

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

Court's or Judge's orders

Mr. S. S. Ghate, Advocate for petitioner.

Mr. V. P. Marpakwar, Advocate for respondent Nos. 1 and 2.

CORAM : **ANIL L. PANSARE, J.**

DATE : **OCTOBER 8, 2024**

Having heard both sides, the petition deserves to be allowed on two counts. Firstly, the question is, whether the respondents who were appointed on honorarium basis in the library run by the petitioner-Trust could have lodged prosecution against the petitioner-Trust under the provisions of the Maharashtra Shops and Establishments Act, 1948. This Court has, in **President, Vidarbha Hindi Sahitya Sammelan, Nagpur and anr. vs. Inspector, Shops and Establishment office of Additional Commissioner of Labour, Nagpur and anr. 2021 (4) Mh.L.J. 723**, held that it will be impermissible to lodge the prosecution against the Trust under the provisions of the said Act. Thus, the prosecution under the Act of 1948 could not have been lodged against the petitioner-Trust.

Secondly, the order has been passed by the Industrial Court on 12.03.2019, directing the petitioner to pay wages to the employees as per notification allegedly applicable to the petitioner-Trust in respect of the Minimum Wages Act, 1948 on the basis of 3 ½ hours work per day. There is no dispute that

this order would act from its date inasmuch as the order does not prescribe payment of arrears of wages to the respondents. I am informed by both the counsel that the employees/workers have been not attending the office from 23.03.2016. In other words, the order cannot be given effect to and, therefore, the order is inconsequential.

In view of above, the writ petition is allowed. The order dated 12.03.2019 is quashed and set aside. The writ petition is disposed of in the above terms. No order as to costs.

(Anil L. Pansare, J.)

Kahale