

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

WRIT PETITION NO.3441/2021

Zilla Parishad Gondia, through its CEO & anr .Vs. Shri Lalitkumar Kawlu Shahare

AND

WRIT PETITION NO.3442/2021

Zilla Parishad Gondia, through its CEO & anr. .Vs. Shri Inspat Janbaji Shivankar

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

Court's or Judge's orders

None for the petitioners.

Mr. V. A. Lohia, Advocate instructed by Mr. A. S. Shukla, Advocate for
 respondent in W.PNo.3441.

Mr. A. A. Vastani, Advocate for respondent in W.PNo.3442/21

CORAM : ANIL L. PANSARE, J.

DATE : DECEMBER 18, 2024

On 09.09.2021, following order was passed.

"Heard Mr. Parihar, learned counsel for the petitioners.

2. The petition challenges the order dated 27.01.2020 passed by the learned Industrial Court, Bhandara in Misc. U.L.P Case No. 2/2019, an application under Section 50 of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Laws Practices Act, 1971, in which, learned Industrial Court directed the petitioner / employer to pay an amount of Rs.14,79,038/- within a period of three months to the respondent.

3. Mr Parihar, learned counsel for the petitioner submits, that an admission as to the receipt of an amount of Rs.4,87,000/-, given by the respondents in his cross-examination, has not been properly construed by the learned Industrial Court in the impugned order. A perusal of the impugned order indicates in para 8 thereof the learned Industrial Court has found that in respect to the above so called admission, the petitioners have neither pleaded nor put any question to the respondents as to on what account or under what caption the said amount was to be accounted for, and therefore, held that the same could not be construed as being a part of the wages.

4. Mr. Parihar, learned counsel for the petitioner submits that in fact the entire payment due and payable has already been paid to demonstrate which he placed reliance upon certain documents at Annexure P – 4 to P – 6, however, these documents were never put before the Industrial Court,

in view of which its consideration now would be questionable. However, considering the contention issue notice to the respondents, returnable in three weeks.

5. In order to show the bonafides, if the difference in amount between Rs.14,79,038/- and Rs. 4,87,000/- which comes to Rs.9,92,038/- is deposited in this Court by the petitioners within three weeks from today, there shall be a stay to be effect and implementation of the judgment dated 27.1.2020 passed by the learned Industrial Court, Bhandara in Misc. ULP Case No. 2/2019.

6. It is made clear that, if the amount is not deposited within the aforesaid period, the stay as granted above shall automatically stand vacated without any further orders being required to be passed in that regard.”

2. None appears for the petitioner. Experience shows that in the matters of Zilla Parishads, it is common that the counsel do not appear. Be that as it may, order dated 09.09.2021 is indicative of the fact that the petitioners have no case.

3. In view of above and since none appeared for the petitioner, the petition is dismissed for the reasons noted in order dated 09.09.2021. The amount deposited by the petitioner be remitted to the petitioner after eight weeks from today.

4. Copy of the order be served upon Chief Executive Officer, Zilla Parishad, Gondia for taking appropriate steps, if so advised, which the petitioner shall take within eight weeks from today.

No order as to costs.

(Anil L. Pansare, J.)