



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.2813 OF 2025

THE DIRECTOR GENERAL WATER AND LAND
MANAGEMENT INSTITUTE WALMI
VERUS
SK. SALEEMODDIN SK. HAMIMODDIN AND OTHERS

...
Mr. G. S. Shembole, Advocate for Petitioner

Mr. P. K. Joshi and Mr. V. S. Patil, Advocates for Respondents.

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**CORAM : S. G. CHAPALGAONKAR, J.
DATED : 30th JUNE, 2025.**

ORDER:-

1. The petitioner impugns judgment and order dated 10.10.2024 passed by learned Labour Court, Aurangabad in Application IDA No.29/2020 (CNR No.MHLC20000470-2020), by which petitioner is directed to pay amount of Rs.97000/- to each of respondents with interest @ 7% per annum w.e.f. 25.05.2012 till its realization.

2. Brief facts giving rise to present Writ Petition are as under:

The respondents/original applicants filed application under Section 33(c)(2) of Industrial Disputes Act, 1947. They were temporary employees working as labours with petitioner. They continuously worked from 1985 onwards without official holidays. The respondents/employees demanded for permanency and consequential benefits. The petitioner accepted demands of employees and made them permanent by orders dated 07.02.1996, 06.11.1996 and 30.09.1997. Although benefits of permanency were

extended, they were not given monetary compensation in lieu of holidays. Therefore, respondents individually or through Union represented for release of compensation/holidays' salary, as they discharged their duties without single break. It was their contention that they worked even on National holidays. In Circular dated 19.11.2009, Management accepted that respondents/workmen were made to work on holidays and they have valid claims for compensation. The petitioner/Management in its communication dated 25.05.2012 represented State of Maharashtra that workmen have genuine and legitimate claim and requested Government to make provision of Rs.1,50,00,000/- towards monetary compensation as against holidays. Each of the respondent was held entitled for compensation of Rs.97000/- as against arrears of wages towards holidays. In all 155 unskilled workers, who have worked on daily wages were held entitled for financial compensation.

3. Since compensation was not released, respondents/workmen filed Writ Petition No.11889/2015 before this Court seeking Writ of Mandamus to release compensation amount. However, on technical objection as to the maintainability of writ petition, in view of alternate remedy before Labour Court under Section 33(c) (2) of Industrial Disputes Act, 1947, writ petition was disposed of

with liberty in favour of workmen to approach Labour Court for their demands.

4. Out of 155 workmen, only 37 employees approached Labour Court and their applications were allowed. The petitioner/Management challenged aforesaid orders of Labour Court in Writ Petition No.2827/2019 alongwith companion matters, which were dismissed with further directions to petitioner that to avoid multiplicity of litigation, all similarly situated employees shall be extended benefits of compensation in lieu of holidays and amount of Rs.97000/- to each of employees shall be paid. However, aforesaid order passed in Writ Petitions was again subjected to review at the behest of petitioner/Management. The Review Petition was allowed, thereby restricting conferment of benefit only to 37 employees in whose favour orders were passed by Labour Court. This court further observed that 118 similarly situated employees shall be entitled to file individual or joint application under Section 33(c)(2) of the Industrial Disputes Act before Labour Court on or before 21.12.2020. Accordingly, respondents/workmen filed a joint application bearing IDA No.29/2020 before Labour Court under Section 33(c)(2) of Industrial Disputes Act seeking release of benefits.

5. The petitioner/Management opposed application by filing written statement mainly on the ground of delay and laches.

However, Industrial Court looking to the previous orders passed by High Court in respect of 37 employees, directed petitioner/Management to release amount of Rs.97000/- to each of applicants alongwith interest @ 7% per annum w.e.f. 25.05.2012. Being aggrieved and dissatisfied by aforesaid order present Writ Petition has been filed.

6. Mr. Shembole, learned Advocate appearing for petitioner submits that petitioner-Water and Land Management Institute (WALMI) is a society and cannot be termed as industry within meaning of Industrial Disputes Act, 1947. He would further submit that respondents filed applications before Labour Court after 20 years of cause of action. As such those are liable to be rejected on the ground of delay and laches. Mr. Shembole would further submit that 9 employees whose claims were dismissed in default are also granted benefit under impugned order without restoration of applications. According to Mr. Shembole, interest on compensation amount is granted w.e.f. 25.05.2012, although application was filed before Labour Court in the year 2020. On this count, he seeks either quashing and setting aside of the impugned order or appropriate modification.

7. Per contra, Mr. P. K. Joshi, learned Advocate appearing for respondents/workmen submits that challenge to impugned order is misplaced. The petitioner has already satisfied award passed in

favour of 37 workmen, who are similarly situated like respondents. He would point out that this Court confirmed orders of compensation passed in favour of 37 workmen and also approved rights of respondents to receive compensation of Rs.97000/- in lieu of holidays. However, for technical reasons, they were relegated to Labour Court, who ultimately ordered release of compensation amount in favour of respondents/workmen. Mr. Joshi would submit that all contentions as raised on behalf of petitioner/Management are already set at rest by orders of this Court in previous round of litigation. He would point out that petitioner has released benefits in favour of 37 workmen after order passed by this Court in Writ Petition No.2827/2019. Mr. Joshi would submit that even petitioner/Management has deposited Rs.1,50,00,000/-. The said amount is laying with Labour Court. The respondents/workmen are, therefore, entitled to receive said amount.

8. Mr. Joshi would further submit that provision of Section 33(c)(2) of Industrial Disputes Act does not prescribe period of limitation for raising claim. However, he fairly concedes that respondents may be entitled to receive interest on compensation amount from the date of application. Mr. Joshi would further concede that 9 employees whose claims were dismissed in default

may have their own remedy and he has no objection, if order is modified to the extent of those employees.

9. Having considered submissions advanced, it can be observed that in all 155 workmen, who were granted permanency in lieu of policy decision of petitioner/Management were not paid wages/compensation for the work on holidays. The Circular dated 19.11.2009 issued by petitioner/Management accepts that all those workmen have rendered services on holidays, including National holidays and they were not paid monetary benefits for the same. The petitioner/Management has represented same fact in its communication dated 25.05.2012 addressed to State of Maharashtra. Eventually, demand of Rs.1,50,00,000/- was raised so as to compensate workmen for services rendered by them on holidays. The amount of compensation is quantified to Rs.97000/- for each of unskilled workmen, who rendered services on daily wages.

10. It is not in dispute that 37 workmen had approached Labour Court under Section 33(c)(2) of Industrial Disputes Act. The Labour Court had allowed their application and directed petitioner/Management to release compensation. The aforesaid order was unsuccessfully challenged by petitioner/Management in Writ Petition No.2827/2019. Pertinently, while dismissing said Writ Petition this Court had directed petitioner/Management to

release benefit to all similarly situated workmen. Undisputedly, respondents are similarly situated and held entitled for compensation. However, on objection of petitioner/Management, order was reviewed by this Court and relief as granted by Labour Court was restricted to 37 workmen, who had exhausted remedy under Section 33(c)(2) of Industrial Disputes Act before Labour Court.

11. Pertinently, respondents/workmen were party in Writ Petition No.11889/2015, which was disposed with liberty to exhaust remedy under Section 33(c)(2) of Industrial Disputes Act. However, immediately thereof respondents had not taken steps, but later on approached Labour Court by filing joint reference and same has been allowed by Labour Court. Apparently, Labour Court granted relief to respondents keeping in mind principles of parity.

12. So far as objection as to limitation is concerned, Section 33(c)(2) of Industrial Disputes Act does not provide for any limitation. Further respondents/workmen had initially exhausted remedy of filing Writ Petition in the year 2015 and which was disposed of with liberty to approach Labour Court. It is not case where respondents have slept over their rights. Pertinently, while disposing of Writ Petition No. 2827/2019 filed by the petitioner/Management, the rights of the respondents/workmen

were endorsed, until part of the order was recalled in review at the behest of the petitioner/Management. In order on Review Application, this Court clarified that respondents/workmen shall be at liberty to approach Labour Court and exhaust appropriate remedy under Section 33(c)(2) of Industrial Disputes Act. The complaints were filed before Labour Court in aforesaid background and those have been allowed.

13. It is not disputed before this Court that benefit of compensation in lieu of holidays has been already extended to 37 workmen whose claims were allowed by Labour Court and confirmed by this Court. The respondents/workmen being similarly situated, there is no reason to decline same relief to them, particularly, when petitioner/Management has acted upon orders pertaining to similarly situated 37 workmen. The petitioner is estopped from raising contention that similarly situated 118 workmen left behind, are not entitled for such benefit.

14. So far as interest on compensation is concerned, learned Advocate appearing for petitioner is right in contending that interest would be payable from the date of application. The aforesaid legal position is fairly conceded by Mr. Joshi, learned Advocate appearing for respondents/workmen. Even this Court finds substance in contentions of learned Advocate appearing for petitioner/Management that 9 workmen whose claims were

dismissed in default before Labour Court cannot be granted benefit in absence of restoration of their applications.

15. Hence, Writ Petition deserves to be partly allowed and impugned order deserves to be modified to the extent of period of interest on amount of compensation payable to respondents/workmen and relief granted in favour of 9 workmen, who suffered dismissal of application before Labour Court for want of prosecution. Hence, following order is passed:

ORDER

- a. Writ Petition is partly allowed.
- b. The impugned order dated 10.10.2024 passed by Presiding Officer and Judge, Labour Court at Aurangabad is modified as under:

- (i) The opponent (present petitioner) is hereby directed to pay amount of Rs.97000/- to respondents (excluding 9 workmen whose claims were dismissed in default) alongwith interest @ 7% per annum from the date of filing of application till its realization.

- (ii) No orders as to costs.

(S. G. CHAPALGAONKAR)
JUDGE