



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

WRIT PETITION NO. 1919 OF 2022

Ashok S/o Gyanba Kshirsagar,
Age: 73 years, Occ. Nil,
R/o Om Nagar, Old Takali Road,
Kopergaon, Tq. Kopergaon,
Dist. Ahmednagar 423 601

.....PETITIONER
(Original Complainant)

VERSUS

M/s. Siddheshwar Sahakari Sakhar
Karkhana Maryadit, Maniknagar, Sillod,
Tq. Sillod, Dist. Aurangabad
Through: It's Managing Director/Manager

.....RESPONDENT
(Original Respondent)

**WITH
WRIT PETITION NO. 963 OF 2022**

Bhimrao S/o Bala Pawar,
Age: 69 years, Occu. Nil,
R/o At Satal Pimpri, Post Aland,
Tq. Fulambri, Dist. Aurangabad.

.....PETITIONER
(Original Applicant)

VERSUS

M/s. Siddheshwar Sahakari Sakhar
Karkhana Maryadit, Maniknagar, Sillod,
Tq. Sillod, Dist. Aurangabad
Through: It's Managing Director/Manager

.....RESPONDENT
(Original non-applicant)

WITH

WRIT PETITION NO. 951 OF 2022

Kaduba S/o Shenfadu Gund,
Age: 64 years, Occu. Nil.
R/o At/Post Maniknagar,
Tq. Sillod, Dist. Aurangabad

.....PETITIONER
(Original applicant)

VERSUS

M/s. Siddheshwar Sahakari Sakhar
Karkhana Maryadit, Maniknagar, Sillod,
Tq. Sillod, Dist. Aurangabad
Through: It's Managing Director/Manager

.....RESPONDENT
(Original non-applicant)

WITH**WRIT PETITION NO. 961 OF 2022**

Dhoda S/o Ratan Wani,
Age: 65 years, Occ. Nil,
R/o At/ Post Maniknagar,
Tq. Sillod, Dist. Aurangabad.

.....PETITIONER
(Original applicant)

VERSUS

M/s. Siddheshwar Sahakari Sakhar
Karkhana Maryadit, Maniknagar, Sillod,
Tq. Sillod, Dist. Aurangabad
Through: It's Managing Director/Manager

.....RESPONDENT
(Original non-applicant)

WITH**WRIT PETITION NO. 958 OF 2022**

Bhaskar S/o Piraji Tayade,
Age: 67 years, Occ. Nil,
R/o At/Post Maniknagar,
Tq. Sillod, District. Aurangabad.

.....PETITIONER
(Original applicant)

VERSUS

M/s. Siddheshwar Sahakari Sakhar
Karkhana Maryadit, Maniknagar, Sillod,
Tq. Sillod, Dist. Aurangabad
Through: It's Managing Director/Manager

.....RESPONDENT
(Original non-applicant)

WITH
WRIT PETITION NO. 957 OF 2022

Nanasaheb Bhivsan Jadhav
(Since dead – Thru: LRs)

1. Meerabai wd/o Nanasaheb Jadhav,
Age: 59 years, Occu. Housework
2. Varsha d/o Nanasaheb Jadhav,
Age: 37 years, Occu. Housework
3. Vanita d/o Nanasaheb Jadhav,
Age: 35 years, Occu. Housework
4. Sheetal d/o Nanasaheb Jadhav,
Age: 32 years, Occu. Housework
5. Rupali d/o Nanasaheb Jadhav,
Age: 31 years, Occu. Housework
6. Deepali d/o Nanasaheb Jadhav,
Age: 30 years, Occu. Housework
7. Dhananjay s/o Nanasaheb Jadhav
Age: 27 year, Occu. Agriculture

All R/o Surangali, Post Danapur,
Tq. Bhokardan, Dist. Jalna.

.....PETITIONERS
(Original applicants)

VERSUS

M/s. Siddheshwar Sahakari Sakhar
Karkhana Maryadit, Maniknagar, Sillod,
Tq. Sillod, Dist. Aurangabad
Through: It's Managing Director/Manager

.....RESPONDENT
(Original non-applicant)

Mr. A. A. More, Advocate for the Petitioner/s in respective
Writ Petitions

Mr. C. V. Thombre, Advocate for Respondent no.2 in
respective Writ Petitions.

CORAM : ROHIT W. JOSHI, J.

DATED : 20TH AUGUST, 2025

ORAL JUDGMENT:-

. All these petitions pertain to the respondent/sugar factory named Siddheshwar Sahakari Sakhar Karkhana Maryadit, Maniknagar, Sillod, Aurangabad. The petitioners are employees of the said sugar factory. On 15.04.2007, a State level agreement was executed between representatives of all sugar factories in Maharashtra and representatives of workers working in the sugar factories and the Government of Maharashtra with respect to wages payable to workers in the sugar factories for period from 01.04.2005 to 31.03.2009. The petitioners had filed complaints before the learned Industrial

Court for enforcement of rights arising from the said agreement.

2. The complaints have been dismissed by the learned Member of the Industrial Court, principally on the ground that the State level tri-party agreement provided for execution of another agreement at the factory level between the representatives of employees/union of workers and the management of the concerned sugar factory. The learned Member of Industrial Court has held that the complainants had failed to prove that any such agreement was entered into at the factory level between the workers and the sugar factory and therefore, the workers were not entitled to claim benefit under the State level agreement. The petitioners are aggrieved by dismissal of the complaints on the said ground.

3. The learned Counsel for the petitioners Mr. Ashok More draws attention to judgment dated 30.04.2015, passed by the learned Industrial Court in complaint ULP No.167 of 2009 with respect to the same sugar factory wherein the complaints seeking the same relief as is sought by the petitioners in their respective complaints came to be allowed.

4. Perusal of the judgment will indicate that factory level

agreements were entered into between the representatives of employees/workers of the sugar factory of the respondent/sugar factory on 03.02.2005 and 08.09.2009. The said agreements are also marked as Exhibits U-30 and U-31 in the said complaint.

5. The learned Advocate for the petitioners contends that in view of rivalry *inter se* between the workers, copies of the said agreements were not provided by one set of workers to the faction of workers to which the petitioners belong and therefore, they were not able to produce the factory level agreement in the complaints filed by them. He further contends that the respondent ought to have come out with true and honest disclosure of facts that factory level agreement was in fact entered into.

6. The learned Counsel for the respondent counters the submission by stating that each case is required to be decided on the basis of its own facts and evidence that is brought on record in the said case. He justifies the order passed by the learned Industrial Court on the ground that there was no evidence on record in all these complaints to suggest that factory level agreement was in fact entered into.

7. Having heard the rival submissions as aforesaid, in the considered opinion of this Court there can be no doubt about the fact that the factory level agreement was in fact entered into as can be seen from judgment delivered by the learned Industrial Court in complaint ULP No.167 of 2009. In the considered opinion of this Court, the respondent/sugar factory should have disclosed this fact before the learned Industrial Court. It also needs to be mentioned that when benefit of particular pay is granted to a group of employees in a particular establishment, the same cannot be denied to other group of employees in the same establishment. The judgment dated 30.04.2015, passed in complaint ULP No.167 of 1990 is admittedly not challenged further.

8. In view of the aforesaid, Writ Petitions deserve to be allowed. The impugned judgment and orders dated 08.07.2020, 07.02.2020, 07.02.2020, 15.02.2020, 07.02.2020 and 07.02.2020 passed by the learned Member, Industrial Court, Aurangabad in complaint ULP Nos. 172 of 2015, 84 of 2016, 82 of 2016, 87 of 2016, 81 of 2016 and 92 of 2016 are quashed and set aside. Complaint ULP Nos. 172 of 2015, 84 of 2016, 82 of 2016, 87 of 2016, 81 of 2016 and 92 of 2016 are

allowed in the following terms:

(a) It is hereby declared that the respondent is engaged in unfair labour practice under Item No.9 of Schedule IV of the M.R.T.U. & P.U.L.P. Act.

(b) The respondent is directed to cease and desist from engaging in such unfair labour practices.

(c) Respondent is hereby directed to pay wages and benefits to the petitioners i.e. original complainants as per the agreements dated 03.02.2005 and 08.09.2009, within a period of three months from today.

9. Writ Petitions are disposed of.

10. Civil Applications, if any, stand disposed of.

(ROHIT W. JOSHI, J.)