



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

WRIT PETITION NO.13813 OF 2024

Ramesh s/o Narayan Patil ... **PETITIONER**

VERSUS

The State of Maharashtra & anr. ... **RESPONDENTS**

.....
Mr. B.R. Warma, Advocate with
Mr. M.G. Kochar, Advocate for petitioner
Mrs. P.J. Bharad, A.G.P. for State
.....

WITH

WRIT PETITION NO.13587 OF 2024

Nana s/o Sursingh Patil & ors. ... **PETITIONERS**

VERSUS

The State of Maharashtra & ors. ... **RESPONDENTS**

.....
Mr. B.A. Darak, Advocate for petitioners
Mr. S.B. Pulkundwar, A.G.P. for State
.....

**CORAM : R.G. AVACHAT AND
NEERAJ P. DHOTE, JJ.**

DATE : 23rd JUNE, 2025

ORDER :

Learned Advocates for the petitioners submit that,
the Khandesh Van Shramik Sanghtana Trade Union, of which

the petitioners were/ are members, had approached the learned Industrial Court, Jalgaon in Complaint (ULP) No.1343/1999, which came to be finally decided vide order dated 16/6/2003. The operative order reads as under :

- “(1) The Complt. ULP No.1343/99 (Old Case No.170/97) is hereby partly allowed.
- (2) It is hereby declared that the respondents have committed unfair labour practices under Item Nos.6 and 9 of Sche.IV of the MRTU & PULP act, 1971, and are directed to desist from continuing the same.
- (3) The respondents are directed to pay the monitory benefits to the employees by name (1) Nana Sursingh Patil (2) Shantaram Trambak Apar (3) Bhika Trambak Bachchav (4) Sk. Yasin Sk. Ayyub (5) Subhash Ramchandra Patil and (6) Ramchandra Dattu Koli, at the rate of wages payable to the permanent workers, for the days they had worked with the respondents from the date of filing of the complaint i.e. 15/2/97 after deducting the payment already made to them and go on paying the same till the continuance of their contract of employment.
- (4) Two months time is granted to the respondents for compliance of the order.
- (5) In the circumstances, parties to bear their own costs.”

2. The Industrial Court had passed similar order in group of complaints which were filed by the petitioners and the

co-workers. The State had challenged all those orders passed by the learned Industrial Court by filing Writ Petitions, one of which is Writ Petition No.1368/2005. The said Writ Petition with group of petitions, came to be finally disposed of by order dated 14/3/2022. The operative order of the said judgment reads as under :

“(9) In view of the above, these petitions are dismissed. Rule is discharged.

(10) Needless to state that the respondents would be entitled to the benefits of difference in wages as was directed by the Industrial Court. Considering that these respondents have been working for more than three decades and many of them have superannuated, the petitioner- Deputy Conservator of Forest, Jalgaon Forest Division shall forward the proposals of these respondents to the appropriate authorities for considering grant of regularization and a deemed date of regularization. Such proposals shall be prepared on or before 30/06/2022 and shall be forwarded to the Principal Secretary, Forest Department. Said Department shall consider these proposals as expeditiously as possible and in any case on or before 31/11/2022. The eligible candidates would be granted deemed dates of regularization with all monetary benefits incidental and consequential thereto.

(11) No costs.”

3. It is submitted by learned Advocates for the

petitioners that, now the petitioners are ready to waive the benefits which they would be entitled by virtue of the above referred operative order of this Court. They submit that, now the petitioners would be content with, if they receive Rs.10,00,000/- (Rupees Ten Lakhs) each from the respondents as was directed by this Court in group of petitions, one of which is Writ Petition No.12935/2023, by order dated 28/8/2024.

4. Learned A.G.Ps. oppose the said prayer made by the learned Advocates for petitioners.

5. By order dated 28/8/2024 passed in Writ Petition No.12935/2023 with companion petitions, this Court had observed as follows :

“16. Considering the above cited reports, we are of the view that it would be impracticable to remit all these matters back to the Government for reconsideration. As noted above, further litigation cannot be ruled out. All these Petitioners, commenced their litigation journey in 1997 and it is almost 27 years that they are in litigating in Courts. Many of them have passed away. It is high time that we should give a quietus to this litigation. We have taken into account these factors for considering the request of the learned Advocate for the Petitioners to grant lump sum compensation to these Petitioners/ legal heirs.

17. The learned AGP submits, on instructions, that the Forest Department is in a financial stringency and they have no funds to pay even difference of wages. The proposal for payment of wages of difference is also pending.

18. Since the difference of pay-scale is also not paid to these Petitioners and since there are concurrent findings that they have worked for three decades, except the Petitioner (Nana Pandit Pawar) in Writ Petition No.12940/2023, who has put in 2 decades, we conclude that the Forest Department/ Respondent No.1 herein shall pay lump sum compensation of Rs. 10,00,000/- (Ten Lakhs) to these Petitioners (except Nana Pandit Pawar) or to their legal heirs in case of death of the original Petitioners, in lieu of regularization, gratuity, retiral benefits, the difference in payment of salary, if not yet paid, etc.

19. These Writ Petitions are, therefore, partly allowed in terms of the above conclusions. The amount of Rs.10,00,000/- (Ten Lakhs) per Petitioner employee or his legal heir in case of death of the original Petitioner, except the Petitioner (Nana Pandit Pawar) in Writ Petition No.12940/2023, shall be deposited in this Court, on or before 30.09.2024.

20. Insofar as Writ Petition No.12940/2023 filed by the Petitioner Nana Pandit Pawar is concerned, he is 50 years of age. The learned Advocate for the Petitioner submits that Nana Pandit Pawar is also nearing his retirement and presently, is not allotted any work. He was also before the Industrial Court and the Single Judge Bench of this Court and has succeeded in litigation. It can be construed that he has worked for than 20 years. He is also willing to accept lump sum compensation and give a quietus to this litigation.

21. Hence, in the case Nana Pandit Pawar in Writ Petition No.12940/2023, we are granting a lump sum compensation of Rs.7,50,000/- (Seven Lakhs Fifty Thousands). This amount shall also be deposited in this Court on or before 30.09.2024.

22. We would not grant extension of time for depositing the amount. The Petitioners or the legal representative before us are permitted to withdraw the said amounts without conditions, under due identification by the learned Advocate for the Petitioners. A copy of their Adhar Card and/or Election Commission Voter Identity Card, duly attested by the concerned Petitioner/ legal heir shall be placed on record along with the application for withdrawal of the amount.

23. Even if the Model Code of Conduct is declared, it would not be an impediment for implementing this order and for depositing the amounts in this Court.

24. Rule is made partly absolute in terms of the above directions.”

6. Learned Advocates for the petitioners tender across the bar copy of the order dated 21/11/2024, passed in Writ Petition No.12618/2024, which was filed by the petitioners identically placed like the petitioners herein. The said order reads as under :

“2. The petitioner is claiming compensation similar to the one granted by this Court to similarly circumstanced individuals by a common judgment and order passed in Writ Petition No.12935/2023 and connected matters in case of Bhagwat Nagraj Patil Vs.

The State of Maharashtra and another which was decided by division bench of this Court on 28.08.2024 inter alia making several observations as to how the efficacy of the order passed by the learned single Judge in the matters arising out of the order of the Industrial Court, directing all these similarly placed individuals, including the petitioner, to be regularized, had become infructuous either because some of them had died or some of them had reached the age of superannuation.

3. In view of the fact that the circumstances are exactly the same and even the petitioner is similarly placed, with respect we are of the view that even the petitioner would be entitled to have a similar benefit of payment of lump sum compensation as was ordered to be paid to the other individuals.

4. Learned advocate for the petitioner submits that though in prayer clause 'D' the petitioner has claimed Rs.Thirty lakh by way of compensation, he will be satisfied if lumpsum compensation of an amount of Rs.Ten lakh as was ordered to be paid to other individuals except one, who was barely 50 years of age, would satisfied him.

5. For the reasons recorded by the division bench in the matter of Bhagwat Nagraj Patil and connected matters (supra), with the same directions expressly holding the petitioner to be entitled to a similar lump sum compensation of Rs.Ten lakh, the writ petition is disposed of.

6. The amount shall be deposited in this Court within eight (8) weeks. The same shall be paid to the petitioner."

7. In view of the above referred undisputed factual aspect, we follow the same course as is adopted by this Court

in the above referred Writ Petition.

8. The petitions are thus allowed in terms of the order/ direction in the judgment of Bhagwat Nagraj Patil Vs. The State of Maharashtra and another (supra). The petitioners would be entitled to receive lumpsum compensation of Rs.10 Lakhs each pursuant to the above referred order passed by this Court. The said amount be paid within a period of eight weeks from the date of receipt of this order. These petitions accordingly stand disposed of.

9. Learned Advocate for the petitioners in Writ Petition No.13813/2024 undertakes to withdraw the Contempt Petition No.204/2024 which was filed by the petitioners.

10. The learned A.G.P. shall inform the concerned Department of the respondents about this order.

(NEERAJ P. DHOTE, J.)

(R.G. AVACHAT, J.)

fmp/-