

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.16160 OF 2024**

Shankar Bhau Patil,
Age: 83 Years, Occu.: Nil,
R/o. Nigve Khalsa,
Tal. Karveer, Dist.: Kolhapur.Petitioner

Vs.

Kolhapur Jilla Dekhresh Sahakari
Sanstha Ltd., Behind K.D.C.C. Bank,
Shahupuri, Kolhapur.
Through Chief Executive Officer.Respondent

Mr. Sandeep Koregave, for the Petitioner.
Ms. Kadambari Patil with Ms. Bhargavi Patil, for Respondent.

**CORAM : S. G. CHAPALGAONKAR, J.
DATED : 8th DECEMBER 2025**

JUDGMENT :-

1. The Petitioner impugns order dated 26th February 2024 passed by Industrial Court-I, Kolhapur in Complaint (ULP) No.19 of 2018, whereby Petitioner's complaint has been dismissed.
2. It is contention of Petitioner that he was working with Respondent on the post of Secretary. Respondent made deduction of subscription towards provident fund from wages of Petitioner, however, such amount is retained by Respondent under guise of remitting same to Provident Fund Office. On 31st January 2004, Petitioner has been superannuated, but he was not paid amount

towards provident fund. Even, Petitioner was not paid wages of 33 months. Petitioner filed Complaint (ULP) No.19 of 2018 before Industrial Court seeking directions to release unpaid wages and also furnish requisite documents to Provident Fund Office for processing Petitioner's claim. Industrial Court rejected Petitioner's complaint vide impugned order. Hence, this Petition.

3. Mr. Sandeep Koregave, learned Advocate appearing for Petitioner vehemently submits that Petitioner was subjected to inquiry towards misconduct on the basis of audit report. F.I.R. was also lodged against him. On conclusion of inquiry, final show cause notice alongwith inquiry report was served upon Petitioner. It was challenged by filing Complaint (ULP) No.292 of 2003. However, during pendency of said complaint, Petitioner attained age of superannuation. Lastly, on 17th February 2010, Complaint (ULP) No.292 of 2003 has been dismissed for want of prosecution. Thereafter, Petitioner filed present complaint in year 2018 for aforesaid claim.

4. Industrial Court considered pleadings and evidence tendered into service and observed that sofar as claim of Petitioner for unpaid wages for 33 months from 1st September 2001 till 8th January 2004 is

concerned, Petitioner has not placed on record any document to show that he had ever approached Respondent for unpaid wages from 2004 till filing of complaint in year 2018. Industrial Court further observed that except Petitioner's contention that he worked for 33 months and his wages remained unpaid, there is nothing on record to support such contention. It is not clear from record as to why Petitioner was silent over his rights for more than 14 years and then filed complaint.

5. The second contention of Petitioner that he has not been given benefit of provident fund. Industrial Court has observed that remedy is available to complainant to approach Authority under Employees Provident Fund and Miscellaneous Provisions Act, 1952. Resultantly, complaint filed by Petitioner has been rejected by Industrial Court. No jurisdictional error can be found in impugned order.

6. In that view of matter, keeping liberty in favour of Petitioner to raise his claim before Authorities under Employees Provident Fund and Miscellaneous Provisions Act, 1952, Writ Petition stands dismissed.

(S. G. CHAPALGAONKAR, J.)