

Prajakta Vartak

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

INTERIM APPLICATION NO. 393 OF 2025
IN
WRIT PETITION NO. 1268 OF 2019

Sanjay Govind Sawant & Ors.	...Applicants
In the matter between	
Mumbai International Airport Ltd.	...Petitioner
Vs.	
The State of Maharashtra & Ors.	...Respondents

Mr. Mangesh Naik with Ms. Aarti Surve, for Applicants.
Mr. Milind More, Addl. Govt. Pleader, for Respondent Nos.1 to 3.
Mr. Y. S. Bhate with Mr. Sagar Ambedkar for Respondent No.5.
Mr. Sunil Mali, Regional Labour Commissioner, Mumbai & Ms. Rohini
Jadhav, Labour Enforcement Officer present.

CORAM: G. S. KULKARNI &
ADVAIT M. SETHNA, JJ.
DATE: 10 MARCH 2025.

P.C.

1. This interim application was filed in view of the order dated 22 December 2022 passed by a co-ordinate Bench of this Court [Coram: K. R. Shriram, J. (as His Lordship then was) and Kamal Khata, J.] whereby directions were issued in paragraph 6 in regard to the transfer of the amount by the Prothonotary & Senior Master of this Court to the Labour Commissioner, however, the said order could not be complied as the Labour Commissioner had not opened any bank account and it is for such

reason, the present application came to be filed seeking a relief that the direction be issued that the amounts be transferred. The said directions of this Court read thus:-

“6. The Prothonotary and Senior Master shall transfer the amount lying with him together with accumulated interest, if any, within two weeks of receiving the account details from the Labour Commissioner. The Labour Commissioner shall, within one week of receiving copy of this order, provide his bank account details to the Prothonotary and Senior Master, to which the amount be transferred.”

2. We had heard the parties on the present application on 14 January 2025 when the following order was passed:-

“1. Considering the order dated 22 December 2022, passed by a co-ordinate Bench of this Court in Interim Application No.3378 of 2022 in Writ Petition No.1268 of 2019 with Interim Application No.4993 of 2022, we are of the opinion that the Labour Commissioner (Central) needs to open a bank account for the purpose of the present proceedings for a deposit of the amounts and distributing the amounts to the concerned workmen of respondent No.4-Cambata Aviation Pvt. Ltd. The details of opening of a bank account in Nationalized Bank be placed on record by a short affidavit.

2. Let proper steps in this regard be taken within a period of one week from today.

3. List the application on 21 January 2025, so that further orders can be passed.”

3. Thereafter on 04 March 2025, when the proceedings were listed before us awaiting distribution of the amounts to the concerned workmen of respondent no.4, we had issued the following directions in regard to the opening of account:-

“1. Considering the nature of the grievance as made on behalf of the applicant in our order dated 14 January 2025, we observed

that the Labour Commissioner (Central) needs to open a bank account for the purpose of the present proceedings, for deposit of the amounts and distributing the amounts to the concerned workmen of respondent No.4-Cambata Aviation Pvt. Ltd. We are at pains to note that despite a period of more than one month having elapsed, a simple action of opening a bank account could not be taken. Mr. Ambedkar, learned Counsel for respondent No.5 has received instructions to seek further time. We cannot accept such request. We accordingly, direct the Labour Commissioner (Central) to open the bank account on or before the adjourned date of hearing so that further appropriate orders can be passed.

2. There shall not be further extension to comply our directions for any reason, as the Regional Labour Commissioner (C) is totally oblivious that the applicant's/employees are suffering, who are waiting for disbursement of the payment legitimately and immediately payable to them.

3. Stand over to 10 March 2025. First On Board.

4. In the event the Regional Labour Commissioner (C) has not opened a bank account as directed by this Court, he is directed to remain present in the Court on the adjourned date of hearing, so that further appropriate orders can be passed considering his stand.

5. Parties to act on the authenticated copy of this order.”

4. Today Mr. Bhate, learned counsel for the Deputy Chief Labour Commissioner (Central)/respondent no.5 has placed on record instructions received by Shri. Sagar Ambedkar, Central Government Standing Counsel, Mumbai dated 06 March 2025 issued by the Deputy Chief Labour Commissioner (Central), Mumbai stating that the the Deputy Chief Labour Commissioner has opened a zero-balance savings account in Union Bank of India. Copy of the Certificate dated 07 March 2025 issued to that effect by the Chief Manager, Union Bank of India, Ghatkopar East Branch is annexed to such letter. The said communication is taken on record along with Certificate of the bank dated 07 March 2025. The details of bank

account are as under:-

“Name of Account:	DEPUTY CHIEF LABOUR COMMISSIONER CENTRAL MUMBAI
Account No. :	316902010093504
IFSC Code :	UBIN0531693
MICR Code :	400026043
Branch :	Ghatkopar East Branch”

5. The learned Prothonotary and Senior Master shall now take steps to transfer the said amounts, which are lying with him as per directions of this Court given in the order dated 22 December 2022, along with accrued interest within a period of one week from today.

6. It is now for the Deputy Chief Labour Commissioner (Central)/ respondent no.5 to take appropriate steps as early as possible and disburse the amounts within a period of one month from the date of receipt of the said amounts. All contentions of the parties in that regard are expressly kept open.

7. Interim application stands disposed of in the aforesaid terms.

(ADVAIT M. SETHNA, J.)

(G. S. KULKARNI, J.)