

IN THE INDUSTRIAL COURT MAHARASHTRA AT MUMBAI**COMPLAINT (ULP) NO. 11 OF 2024**

Mrs. Bhakti Gajanan Masurkar
28/B/203, Sankalp Siddhi Co-op. Hsg. Soc.,
Near Mantri Park, New Mhada Colony,
Dindoshi, Goregaon (East),
Mumbai-400 065.

...Complainant

Versus

1) General Manager
Greater Mumbai Milk Scheme
Worli, Mumbai-400 018.

2) Dairy Manager
Central Dairy Aarey
Aarey Milk Colony,
Goregaon (E),
Mumbai-400 065.

...Respondents

CORAM : V. G. RAGHUWANSHI, MEMBER

Appearances: Shri. S.S. Pathak, Advocate for Complainant.

Shri. Shirish Shigwan, Advocate for Respondents.

ORDER BELOW EXH.U-10 & U-12
(Dated:17.11.2025)

1) These are two applications filed by complainant. In Exh.U-10 complainant prayed for recording the facts constituting contempt of court and make report in that behalf to Hon'ble High Court under Section 48(6) of MRTU & PULP Act. By application

Exh.U-12, applicant prayed for passing appropriate order against respondents including that of committing contempt of court for showing utter disregard towards the order passed by this court and Hon'ble High Court by non-complying with the orders and direct respondents to pay cost also.

2) Respondents filed their replies to both applications (Exh.C-6 and Exh.C-9). The sum and substance of their contentions is that they have apprised their superiors of the orders passed by the Industrial Tribunal and Hon'ble High Court and that they have to pay the gratuity amount within two weeks from the date of order passed by Hon'ble High Court on 03.09.2025. They have complied with the order as far as they could, they are not guilty of contempt of court. They never intended to commit such contempt but they do not have powers to disburse that amount unless their superiors sanction disbursement of said amount. Shri. Shigwan, Ld. Counsel for respondents submit that they had correspondence with their superiors and payment of gratuity is in the process. They will deposit the amount in court office under protest as they desire to challenge the order of Hon'ble High Court in Hon'ble Supreme Court.

3) My attention was drawn to the order passed by Hon'ble High Court in Writ Petition NO. 10651/2025 dated 03.09.2025 whereby respondents were directed to pay amount of gratuity within two weeks. This writ petition was filed to challenge order of this court dated 28.03.2024. The Hon'ble High Court in said writ

petition directed respondents to pay gratuity within two weeks. Respondents were aware that they have to pay gratuity to complainant from the date of passing of order by this court. They should have had communication with their superiors informing them that they may be required to pay gratuity amount immediately after the order of Hon'ble High Court and they should have arranged that amount in advance. I do not think the reasons stated by respondents is sufficient. Non-payment of gratuity amount within time prescribed by Hon'ble High Court is nothing but disobedience of said order, therefore, action needs to be taken under Section 48(6) of MRTU & PULP Act as it constitutes contempt of court. Accordingly, submit the report of contempt to Hon'ble High Court alongwith copy of this order.

Dated:17.11.2025

(V. G. RAGHUWANSHI)
Member
Industrial Court, Mumbai.

ams/-