

IN THE INDUSTRIAL COURT AT AURANGABAD
(Presided over by S. S. MAUDEKAR, Member)

COMPLAINT (ULP) NO. 125 OF 2014

[CNR NO.MHIC20-000-290-2014]

Savitribai Chandrabhan Waghmare ... **COMPLAINANT**

Versus

Kilbil Balak Mandir and Primary School
Through Secretary. .. **RESPONDENTS**

Apparance :

Smt. Malode learned advocate for the complainant
Shri.Shahane learned advocate for the respondent.

ORDER BELOW EXH.U -25

[Passed on 26th day of August, 2024]

This is an application by the complainant for directing the respondent to pay her wages for five months.

2. According to the complainant, after passing of order below Exh.U-2, evidence has been adduced by the complainant still the respondent has not paid wages to the complainant since five months. The complainant is facing hardship. Hence, it is prayed to give necessary directions.

3. The say of the respondent is at Exh.C-17, in which it has opposed the prayer on the ground that the application is vague. So also, there is no affidavit in support of the application and no details are mentioned. So also, it is claimed that the provisions of law are not mentioned especially when the interim relief is granted by order dt.26-04-2022 below Exh.U-2, similar application is not permissible

or maintainable. It is claimed that the complainant habitually remains absent and refuses to sign the muster register. She also demands advances. Hence, it is prayed to reject the application.

4. Heard the learned counsel for the complainant Smt.Malode and the learned counsel for the respondent Shri.Shahane. According to the learned counsel for the complainant, during the pendency of the complaint, the respondent had not paid wages to the complainant and she is suffering serious hardship. Hence necessary direction may be issued. On the other hand, the learned counsel for respondent has pointed out that the complainant herself is in the habit of remaining absence and making grievances about non-payment of salary. It is also claimed that she is trying to prolong the matter. Documents are also referred as per list Exh.C-19 and it is submitted that earlier also interim relief was granted. Ultimately it is prayed to reject the application.

5. On perusal of the record it is found that initially there was an application Exh.U-2 and my learned Predecessor had granted status-quo vide order below Exh.U-9 and respondent was directed not to terminate or to take any action adversely affecting her interest until further order. The said order was confirmed on 26-04-2022 with direction that no action be taken against the complainant adversely without following due process of law. Issues were framed at Exh.O-7 and burden is casts on the complainant. In the mean time, efforts were made to settle the matter through mediation or in Lok Adalat. But in vain. It is not proper to attribute delay on the part of the complainant herself but it seems that after filing of affidavit by her, cross-examination was conducted by the

respondent and presently the matter is fixed for further evidence of the complainant.

6. Though it is true that earlier, interim relief was granted to the complainant, there was no direction about maintenance of status-quo about service conditions of the complainant to provide work or to pay wages to her. So, the present application cannot be said to be barred by principle of resjudicata. It is true that there is no mention in the application about any provision like Section 30(2) of the M.R.T.U. & P.U.L.P Act, but still the application cannot be said to be not maintainable on that ground. The respondent has filed some documents wherein intimation was given to the complainant that she had remained absent and she has refused to sign on the attendance register. As trial has commenced and both the parties have taken specific stand, it is not proper to make any comment on the merits of the allegations and counter-allegations made by the parties. So also, the respondent has to furnish details of advance paid to the complainant and mode and manner of adjustment or deduction of wages towards the same. As per documents at page nos. 5 to 10, it is found that there is no signature of the complainant on Payment Register for the month February-2024 to June-2024 though salary of Rs.6,500/-. The complainant has shown to have refused to receive payment. Even the respondent has not disputed that the complainant has not been paid salary for the given period, may be due to refusal on the part of the complainant. So, it could have deposited the amount with the Court or it could have given the details of advance paid to the complainant and adjustment of the said amount from the salary

of the complainant. It cannot be said that mere endorsement on the payment register would be sufficient to deny salary to the complainant. As such, some sort of directions can be given to the respondent to furnish details and thereafter if the complainant still refuses to receive the salary, direction can be issued subsequently to deposit it with the Court. So also, the complainant can be directed to expedite the matter so that the Court would be in a position to decide it within a reasonable period. Hence application can be partly allowed as under :

ORDER

1.	The application is partly allowed.
2.	The respondent is directed to file documents pertaining to advance made to the complainant and adjustment of salary towards recovery of the same.
3.	On verification of the record, if the surplus is found to be due from the complainant, the respondent can withhold the salary . Otherwise it shall pay the remaining salary for the period February-2024 to June-2024 and thereafter to the complainant.
4.	If required, the respondent shall be at liberty to deposit the salary or part thereof with the Court.
5	The proceedings are expedited.

Place:-Aurangabad.

Date - 26-08-2024

sd/-

(S.S. Maudekar)

Member,

Industrial Court, Aurangabad

kad/-