

Girdhari Bhivsanrao Thormal

....Complainant

Versus

The Maharashtra State Co-Operative

Bank Ltd. and Others

....Respondents

ORDER BELOW EXHIBIT C-10

(Passed on 26/10/2023)

1. The respondent No. 3 has filed the present application submitting that it has purchased the property in accordance with the order passed by Debt Recovery Tribunal in Securitization Application No. 13/2012 and that directions are issued to the bank to disburse the dues.
2. The complainant opposed the application, as not tenable.
3. Heard.
4. The respondent No. 3, moved this application for discharging them submitting that, no employer–employee relationship exists between the complainant and the respondent No. 3 and that the respondent No. 3 is only a auction purchaser of the property of complainant's employer.
5. The present proceeding is a complaint of unfair labour practice under the M.R.T.U. & P.U.L.P. Act, 1971. It's neither a full fledged criminal trial nor a civil suit in strict sense. In either case, there is no provision for considering deletion or discharge of the party, who has been noticed / summoned to face trial, immediately upon appearance.
6. The facts of the case are to the effect that, the complainant was an employee of the sugar factory. Due to financial crisis, the complainant and similar other workers were not paid their outstanding wages. Besides, the Sugar Factory had also availed some credits from the respondent No.1 Bank by charging the assets of the Sugar Factory. For failure to pay the outstanding advances, the respondent No.1 Bank auctioned the assets of the Sugar Factory, to recover it's due. The respondent No. 1 is the auction

purchaser, who is stated to have purchased the immovable and movable assets of the Sugar Factory, with all its existing liabilities, on 'as is where is' basis. The respondent No. 3, however, subsequently sold up these assets to the Arjun Sugar. The outstanding dues of wages of the complainant towards the service rendered to the Sugar Factory, remained unpaid. The present case is, therefore, for recovery of the outstanding dues towards the wages payable, against all of the respondents.

7. The prime consideration before the court in the present dispute is whether the complainant / workman is entitled for his outstanding wages, and if so, from whom. The pleas raised in this application can be raised during the course of trial. Whether this respondent has purchased the assets / properties with all the preexisting liabilities or whether this respondent is exonerated from incurring any liabilities towards outstanding wages of workman, is a question that can be decided only during trial. It is, thus, a premature stage to delete or discharge the respondent No. 3 from array of respondents, even before commencement of trial. In the circumstances, I pass following order.

ORDER

- 1) The application at exhibit C-10 is rejected.

Jalna
Date 26/10/2023

(Bharati Kale)
Member
Industrial Court, Jalna