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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.9297 OF 2019
IN WP/5290/2019

SHENDRA SIEMENS KAMGAR / KARMACHARI SANGHATANA
THROUGH SECRETARY
VERSUS
SIEMENS LTD THROUGH ITS FACTORY INCHARGE

Mr.B.R.Kawre, Advocate for the applicant.
Mr.Y.R.Marlapalle, Advocate for the respondent.

(CORAM : BHARATI H. DANGRE, J.)

DATE : JANUARY 12, 2022

PER COURT :

1. The learned counsel for the respondent (the original petitioner) has invited my attention to the relief sought by the respondent/Union in Complaint (ULP) No.34/2019, which is filed after institution of the writ petition and he would invite my attention to prayer clause "C", which reads thus :-

"C. The respondent may be directed to pay wages to the members of the complainant from the date of closure, continue them on their respective post and continue to pay their wages as directed by the Industrial Tribunal by its Award in Reference (IT) No.08/2014 dated



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02/11/2018 and Notification dated 14/11/2018 published by the government through DYCL Aurangabad Division, Aurangabad."

2. CA No.9297/2019 consists of a following prayer clause, reads thus :-

"a. The application may be allowed.

b. The opponent may be directed to pay wages to the members of the Applicant and continue to pay in terms of the award passed by the Industrial Tribunal in Reference (IT) No.08/2014 dated 02.11.2018 and notification dated 14.11.2018 issued DYCL Aurangabad Division, Aurangabad.

Alternatively,

The opponent may be directed to deposit total amount of wages and consequential benefits as per the Award dated 02.11.2018 passed by the Industrial Tribunal in Reference (IT) no. 08/2014.

d. Other appropriate and suitable order may be passed in favour of the Applicant."

3. In the wake of the similar relief being sought before the two authorities being before this Court by filing an application purported to be u/s 17-B of the ID Act and the complaint ULP seeking implementation of the award alongwith prayer clause B, the learned counsel is justified in advancing his argument that it is not open for the



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respondent to prosecute 2 remedies simultaneously.

Being confirmed it with the aforesaid argument, the learned counsel for the respondent states that he shall not press prayer clause "C" in Complaint (ULP) No.34/2019, and take necessary steps to that effect.

Upon such steps being taken and the said relief sought being deleted in the pending Complaint (ULP) No.34/2019, the civil application is directed to be listed for hearing on 24.01.2022.

(BHARATI H. DANGRE, J.)