

ITEM NO.4

COURT NO.1

SECTION XV

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

I.A. 2/2015 In
Petition for Special Leave to Appeal (C) No. 30652/2009

(Arising out of impugned final judgment and order dated
12/03/2009 in LPA No. 316/2007,12/03/2009 in WP No. 1367/2007
passed by the High Court Of Bombay)

CHIEF OFFR. ,KARMALA NAGAR PARISHAD & ANR

Petitioner(s)

VERSUS

PRASHANT SURESH KHARGE

Respondent(s)

(For directions and office report)

WITH

I.A. 2/2015 In SLP(C) No. 30655/2009
(For directions and Office Report)

I.A. 3/2015 In SLP(C) No. 30659/2009
(For directions and Office Report)

I.A. 3/2015 In SLP(C) No. 30660/2009
(For directions and Office Report)

I.A. 3/2015 In SLP(C) No. 30663/2009
(With appln.(s) for directions and Office Report)

I.A. 3/2015 In SLP(C) No. 30664/2009
(With appln.(s) for directions and Office Report)

I.A. 3/2015 In SLP(C) No. 30665/2009
(With appln.(s) for directions and Office Report)

I.A. 3/2015 In SLP(C) No. 30667/2009
(With appln.(s) for directions and Office Report)

I.A. 3/2015 In SLP(C) No. 30668/2009
(With appln.(s) for directions and Office Report)

Date : 28/08/2015 These applications were called on
for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE ABHAY MANOHAR SAPRE
HON'BLE MR. JUSTICE AMITAVA ROY

For Petitioner(s) Mr. Sudhanshu S. Choudhari, Adv.
Mr. Vatsalya, Adv.

For Respondent(s) Mr. B.H. Marlapelle, Sr. Adv.
Mr. Aditya Gaggar, Adv.
Mr. Ajit, Adv.
Mr. Varun Aggarwal, Adv.
Mr. Apoorv Shukla, Adv.
Mr. Lakshmi Raman Singh, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Hearing of these applications is as good as hearing of the main matters. Therefore, we have taken the main matter for disposal.

The respondents-herein had approached the Industrial Court, Solapur, *inter alia*, complaining the unfair Labour practice under Items 5,6, 9 and 10 of Schedule IV of the M.R.T.U. and P.U.L.P. Act, 1971.

In spite of service of notice, the petitioners-herein did not care to appear before the Industrial Court. Therefore, the Court was constrained to pass the judgment and order dated 31.07.2003. In the said order, it had directed the petitioners-herein to desist from encouraging unfair

labour practice in future. Further, it is directed to make the respondents-herein permanent in their original post w.e.f. 25.11.1997 and also grant the monetary benefits.

Aggrieved by the said order, the petitioners-herein had filed writ petitions before the High Court. Since there was delay in filing the petitions, the learned Single Judge had dismissed the writ petitions and thereby had confirmed the orders passed by the Industrial Court.

The petitioners being aggrieved by the said order had filed the Letters Patent Appeals. The Division Bench of the High Court had rejected the Letters Patent Appeals and had confirmed the orders passed by the learned Single Judge as also the Industrial Court. That is how, the petitioners are before us in these Special Leave Petitions.

We have heard Shri Sudhanshu Choudhary, learned counsel appearing for the petitioners and Shri B.H. Marlapelle, learned senior counsel, appearing for the respondents. We have also carefully perused the orders passed by the industrial Court and the High Court.

In our view, neither the Industrial Court nor the High Court has committed any error, whatsoever, which would call for our interference. The special leave petitions require to be dismissed and are dismissed accordingly. However, we make it clear that while implementing the orders passed by the Industrial Court, the respondents would be entitled to receive a sum of Rs. 1,00,000/- (Rupees One Lakh Only) in full and final settlement of all their claims including back wages.

The petitioners shall reinstate the respondents and also pass appropriate orders making them permanent w.e.f. 25.11.1997.

With these observations, the special leave petitions are disposed of.

[Charanjeet Kaur]
A.R.-cum-P.S.

[Vinod Kulvi]
Asstt. Registrar