
(1998) 07 BOM CK 0011
In the Bombay High Court
Case No : Writ Petition No. 268 of 1998

Islam Ali

APPELLANT

Vs

D. Dayaram and Co. and Others

RESPONDENT

Date of Decision : 06-07-1998

Acts Referred:

Industrial Disputes Act, 1947 — Section 33C(2)

Citation : (1999) 3 LLJ 1144

Hon'ble Judges : P. Upasani, J;B.N. Srikrishna, J

Bench : Division Bench

Advocate : Shobha Gopal, for the Appellant; K.K. Thakkar and Anjali Desai, for the Respondent

Final Decision : Allowed

Judgement

B.N. Srikrishna, J.—Rule. Returnable forthwith. Respondent Nos. 1 and 2 waive service through Shri Thakkar and Respondent Nos. 3 and 4 waive service through Ms. Desai. By consent, Rule called for and heard.

2. This Writ Petition makes a grievance that though the petitioner-workman obtained order in his favour from the 2nd Labour Court, Mumbai, on July 20, 1996 in Application (IDA) No. 228 of 1994 directing Respondent Nos. 1 and 2 to pay the applicant a total amount of Rs. 1, 97,629.89 and though the Assistant Commissioner of Labour by his order dated February 13, 1997 issued a certificate u/s 33-C(4) of the Industrial Disputes Act, 1947, money was not being recovered for one reason or the other. On behalf of the Collector and the Government of Maharashtra it was represented to us that auction sale of the property of Respondent Nos. 1 and 2 could not be held on account of obstructive tactics by them. This reason is too facile to be accepted. The Government has enough power under the Maharashtra Land Revenue Code to deal with recalcitrant defaulters, and it should exercise them.

3. Under the provisions of Sub-section (2) of Section 33-C of the Industrial

Disputes Act. the amount due to a workman has to be computed by the Labour Court, ordinarily, within three months, which period may be extended by the Labour Court for good reason. In the instant case, the certificate was issued on February 13, 1997 and the Writ Petition was filed on February 6, 1998 as the Collector has failed to recover the amount due. We are surprised at the Government's tardiness. Respondent Nos. 3 and 4 should ensure that the dues of the workman are collected within a reasonable period and, according to us, the period indicated in Sub-section (2) viz three months, is reasonable and Respondent Nos. 3 and 4 should endeavour to recover the certified amounts, within such period, except where there are extraordinarily good reasons for delay.

4. Writ petition is allowed. On behalf of 1st and 2nd Respondent a sum of Rs. 1,96,629.89 (sic.) has already been deposited in this Court. The petitioner is at liberty to withdraw the said amount which shall be allowed without delay.

5. Respondent Nos. 1 and 2 shall pay a sum of Rs. 1000/- and Respondent Nos. 3 and 4 shall pay a sum of Rs. 1000/- to the petitioner as costs.

Rule accordingly made absolute.