

(2010) 08 GUJ CK 0201

In the Gujarat High Court

Case No : Special Civil Application No. 1855 of 2001

Rashtriya Mazdoor Union

APPELLANT

Vs

Petrofiles Co-op. Society and Another

RESPONDENT

Date of Decision : 10-08-2010

Acts Referred:

Citation : (2010) 08 GUJ CK 0201

Hon'ble Judges : K. S. Jhaveri, J

Bench : Single Bench

Advocate : Mukul Sinha, for the Appellant; M.S. Rao, for Respondents 1-2, for the Respondent

Judgement

K.S. Jhaveri, J.—By way of this petition, the petitioner has prayed for the following reliefs;

(i) Directing the respondents to forthwith pay and continue to pay regular and full wages to the workmen named at Annexure-I at par with similarly situated permanent employees and also to grant all other benefits which are available to the permanent and regular employees including retirement benefits and be further pleased to direct the respondents to pay arrears of salaries and other allowances as instrumental of the award of the Tribunal.

(ii) The Hon'ble Court be pleased to direct the respondent to extend the benefit of voluntary separation scheme at Annexure-II to any or all of the concerned workman, if they wish to opt for such a scheme and pay to them the benefits as per the said scheme at par with all the regular and permanent employees.

(iii)....

2. The facts in brief are that the petitioners were the employees of respondent-Company before it went into liquidation. An award dated 12.06.1999 was passed by the Industrial Tribunal, Vadodara, by which it was declared that all the concerned workmen were to be treated as "permanent workmen" with effect

from 1996 and they have to be paid all benefits, as was being paid to similarly placed permanent workmen of the respondent-Company.

3. It is the case of the petitioners that the respondent-Company did not comply with the said award passed by the Tribunal. In the meantime, the respondent-Company also closed down its activities, without following due procedure and published a Notice for exercising the option of Voluntary Separation Scheme. However, the petitioners were not permitted to opt for the said scheme.

4. Being aggrieved by the aforesaid actions of the respondent-Company, the petitioners have preferred the present petition.

5. Heard learned Counsel for the respective parties and perused the documents on record. The respondent-Company has gone into liquidation and Official Liquidator has been appointed. Since the impugned award dated 12.06.1999 passed by the Industrial Tribunal, Vadodara has not been complied with, the Official Liquidator shall ascertain the claims of the members of the petitioner-Union, who were before the Industrial Tribunal, Vadodara and shall, thereafter, make necessary payments to them, if sufficient funds are available. If no funds are available, then payments to the workmen concerned should be made subject to the final outcome in the writ petition, which is pending before this Court. With the above observation and direction, the petition stands disposed of. Rule is made absolute to the above extent with no order as to costs.