

(1968) 03 BOM CK 0003

In the Bombay High Court

Case No : Special Civil Application No. 829 of 1965

Sophia Reuben and Another

APPELLANT

Vs

Gokhale (V.V.)

RESPONDENT

Date of Decision : 14-03-1968

Acts Referred:

Industrial Disputes Act, 1947 — Section 33C

Citation : (1968) 2 LLJ 79

Hon'ble Judges : J.L. Nain, J;D.V. Patel, J

Bench : Division Bench

Judgement

Nain, J.—This is a petition under Arts. 226 and 227 of the Constitution of India by petitioner 1, who is an employee of respondent 2 for the issue of a writ of mandamus against respondent 1, who is the Collector of Thana, directing him to make the recovery of the amount under a certificate issued under S. 33C of the Industrial Disputes Act. The facts leading to this petition are : that under the settlement dated 28 February, 1963 entered into between respondent 2 and its workmen certain amounts were payable to the workmen. The workmen made applications under S. 33C of the said Act for recovery of these amounts. Those applications were decided by the first labour court, Bombay, in favour of the workmen including petitioner 1. Four certificates under S. 33C of the said Act were issued by the first labour court directing respondent 1 to recover the amounts thereunder as arrears of land revenue. The certificates were dated 16, 18 and 25 April and 13 August, 1964. It is the case of petitioner 1 that these certificates were delivered to respondent 1 between 27 April and 14 August, 1964. The petitioner 1 alleges that thereafter she and the other workmen went to respondent 1 a number of times and requested him to recover for them the amounts due under the certificates. The office of respondents 1, however, treated them in a cavalier fashion and paid no attention to their requests. Petitioner 1 states that under similar certificates the Collector of Bombay usually recovers the amounts within a period of two to three months. Ultimately the workmen including petitioner 1 sent a notice to respondent 1 on or about 1

February, 1965 setting out the facts and complaining that no recovery was being made under the certificates issued in their favour. No reply was given by respondent 1 to this notice. The workmen were, therefore, compelled to file this petition in this Court.

2. The notice of the present petition was served on respondent 1 on 12 July, 1965. It appears that this notice shook him up and he started taking steps for the recovery of the amounts. The amounts were recovered from respondent 2 on 27 July, 1965 and deposited in the first labour court on 10 October, 1965 and were ultimately paid to the workmen.

3. No affidavit-in-reply to this petition has been filed by respondent 1. Perhaps, he has nothing to say in the matter. Respondent 1 was under a statutory duty under S. 33C of the Act to recover the amounts under the certificates issued to him by the first labour court as arrears of land revenue. For nearly a year he did nothing in the matter until the workmen were driven to these proceedings and after service of notice of these proceedings he seems to have suddenly become alive to the situation.

4. In these circumstances, we are of the view that respondent 1 should be ordered to pay the costs of these proceedings personally and we make our order accordingly. The costs are quantified at Rs. 125. In view of the fact that the amounts under the certificates have been recovered and paid to the workmen including petitioner 1, there will be no further order on this petition.