



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CONTEMPT PETITION NO. 421 OF 2021
IN WP/1424/2012 WITH CA/11719/2023 IN CP/421/2021 WITH
CA/13003/2023 IN CP/421/2021

Sakhar Kamgar Union, Aurangabad
Through its Secretary
Lalmiya Gulabsha Shah

..PETITIONER

VERSUS

State of Maharashtra and Others

..RESPONDENTS

....

Ms. P.S. Talekar, Advocate i/b Talekar and Associates for petitioner
Mr. R.V. Dasalkar, A.G.P. for respondent – State
Mr. Shreevallabh Panchpor, Advocate h/f Mr. V.R. Dhorde, Advocate for
respondent no.3
Mr. P.K. Nikam, Advocate for respective no.4
Mr. S.T. Shelke, Advocate for applicants - interveners

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CORAM : R.G. AVACHAT AND
SANJAY A. DESHMUKH, JJ
DATE : 08th NOVEMBER, 2023

PER COURT :

1. A sum of Rs.16.12 crores is in deposit with this Court. The petitioners and the interveners were the ex-employees of Kannad Sahakari Sakhar Karkhana. All of them moved Labour Court for salary, gratuity and interest thereon. The applications moved by the interveners have not yet been decided. It is informed that they have not made any claim for gratuity and interest thereon.

2. The liquidator undertakes to furnish a chart containing names of the petitioners, interveners, bank account numbers and amount to be paid to them alongwith interest pro rata. He has placed on record a chart which is marked 'X-1' for identification. The same may be placed before the concerned Registrar, who would be disbursing the amount, just to verify the chart that would be furnished on behalf of the liquidator tomorrow. Same reads thus :-

Details of the calculations

1. *Principal amount of gratuity of contempt petitioners :
Rs.6,75,24,273 = 00 ps.*

2. *Principal amount of gratuity of interveners (70 in number) :
Rs.90,19,745=00 ps.*

3. *Interest to be distributed on pro rata basis to the contempt petitioners : Rs.7,50,20,698=00 ps.*

4. *Interest to be distributed on pro rata basis to the interveners :
Rs.96,35,281=00 ps.*

*Total amount to be paid to the contempt petitioners :
Rs.6,75,24,273 + Rs.7,50,20,698 = Rs.14,25,44,971/-*

*Total amount to be paid to the interveners : Rs.90,19,745 +
Rs.97,35,281 = Rs.1,86,55,026/-*

3. Learned counsel for the interveners, however adverts our attention to Sections 4 and 7 of Payment of Gratuity Act, 1972 and submits that on delayed payment of gratuity, 10% interest thereon has to be paid.

Whereas the claims of the petitioners have been decided and they have been held entitled for arrears of salary, gratuity and interest thereon. He also placed on record a list containing names of the interveners, their bank account numbers and amount due to them. Same is marked 'X-2' for identification. On verification of the bank accounts of the respective interveners, the amount would be disbursed to them.

4. The Registry shall disburse the amount to each of them on due verification of the claimants or persons to whom the amount is to be paid, latest by day after tomorrow.

5. The amount that is being paid to the interveners would be adjusted towards their claim for wages or gratuity and/or interest thereon.

6. Stand over to 15th December, 2023. The parties to act upon authenticated copy of the order. The Administrator of the bank need not remain present before this Court until further orders.

(SANJAY A. DESHMUKH, J.)
SSD

(R.G. AVACHAT, J.)