

WRIT PETITION NO. 57 OF 2002.

M/s Autorider International Ltd.,
through Atul Ruparel,
Authorized person, having
office at Auto World, Tardev Road,
Mumbai 400 034. ... Petitioner.

VERSUS

1. The Labour Commissioner,
Government of Goa,
having office at Junta House,
Panaji, Goa and two others.
2. Collector of Mumbai,
having office at Old Customs
House, Fort, Mumbai-400 023.
3. Mrs. Audrey Helen Rebello,
major in age, resident of
'Sandshar', St. Inez,
Panaji, Goa. ... Respondents.

Mr. G. Sardessai and Shri D. Pangam, Advocates for the
Petitioner.

Mr. V.P. Thali, Addl. Advocate General with Ms. S.
Linhares, Addl. Govt. Advocate for the Respondents No.1 and
2.

Mr. A.V. Nigalye, Advocate for the Respondent No.3.

CORAM: S. RADHAKRISHNAN, J.

DATE: 29TH AUGUST, 2002.

ORAL ORDER:

Heard the learned counsel for the petitioner,
learned Addl. Advocate General on behalf of
Respondents No.1 and 2 and learned counsel on behalf
of Respondent No.3.

2. By this petition, the petitioner/employer is challenging the notice under Section 267 of Maharashtra Land Revenue Code dated 30th October, 2001 seeking to recover a certified amount of Rs.73,060/- along with the fee of Rs.2/-. In the above, the respondent No.3 who was employed with the petitioner had raised an industrial dispute, which was before the Industrial Tribunal which granted reinstatement with full back wages and other consequential reliefs to Respondent No.3. Aggrieved by that Award, the petitioner had filed a Writ Petition before this Court challenging the said Award. The said petition came to be dismissed by this Court. Subsequent thereto, the respondent No.3 had filed an application under Section 33C(1) of the Industrial Disputes Act which application came to be decided in favour of the respondent No.3 and a certificate was issued under Section 33C(1) in favour of the respondent No.3 for payment of her dues. Respondent No.2 Collector had issued a notice under Section 267 of the Maharashtra Land Revenue Code to the petitioner demanding the payment of Rs.1,05,800/-. Now it appears that the petitioner has deposited in this Court a sum of Rs.73,060/- on 8th April, 2002 and further a sum of Rs.35,000/- on 20th June, 2002. Now the learned counsel for the petitioner seeks to contend that subsequently the petitioner, Goa Branch of the

Petitioner's Company had become uneconomical hence came to be closed and therefore the petitioner has prayed that the petitioner is not liable to pay the amount due to the Respondent No.3.

3. There is an Award passed by the Industrial Tribunal which Award has also been upheld by this Court. The Respondent No.3 thereafter had filed an application under Section 33C(1) of I.D. Act, whereupon the Respondent No.1 Labour Commissioner issued a certificate under Section 33C(1) of the Industrial Disputes Act, whereby it was held that the petitioner is liable to pay a sum of Rs.1,05,800/- to Respondent No.3. The said certificate was forwarded to Respondent No.2 Collector, who has issued the aforesaid recovery certificate under Section 267 of Maharashtra Land Revenue Code. The learned Addl. Advocate General states that the above certificate under Section 33C(1) of I.D. Act was issued after due notice to the Petitioner and as such there was nothing illegal.

4. This petition is totally misconceived and without any substance. I am not inclined to exercise the discretion under Article 226 of the Constitution of India in this case to interfere with the same. The petition is totally devoid of merit. The petition is

therefore dismissed. Respondent No.3 is permitted to withdraw the entire amount deposited in this Court by the petitioner.

S. RADHAKRISHNAN, J.

sl.