

[2023] 3 S.C.R. 649

THE MAHARASHTRA STATE CO-OPERATIVE BANK LTD. A

v.

BABULAL LADE & ORS.

(Miscellaneous Application No. 1308 of 2020

in

B

(Civil Appeal No. 232 of 2016)

MARCH 24, 2023

**[M. R. SHAH AND KRISHNA MURARI, JJ.]**

*Service Law: Salary/wages – Payment of – Payment of dues of the employees of the sugar factory in liquidation by the appellant-Bank, out of the sale proceeds from the auctioned property – Appellant Bank deposited 25% of the total amount due, in this Court as also deposited certain sum with the Industrial Court – Appellant Bank then sought transfer of that amount along with interest to the account of the Collector with the direction to distribute the amount as per the entitlement of each and every employee of the sugar factory after proper identification proportionately – Held: The amount due and payable towards the wages/salaries of the concerned employees of the sugar factory in liquidation to be paid to them and/or to their legal heirs – Furthermore, the full particulars including the bank account particulars of the concerned employees required to see that the amount goes to the right person – Thus, issuance of certain directions – Amount deposited with this Court along with interest accrued and the amount deposited with the Industrial Court be transferred to the Collector to distribute the same to the said employees/legal heirs of the employees after proper identification and verification of the claims – Appellant Bank also permitted to withdraw the excess amount deposited.*

CIVIL APPELLATE JURISDICTION: Miscellaneous Application No. 1308 of 2020 in Civil Appeal No. 232 of 2016.

From the Judgment and Order dated 04.12.2019 in C.A. No. 232 of 2016 of the Supreme Court of India.

With

H

- A       Miscellaneous Application Diary No. 1755 of 2021 in Civil Appeal No. 232 of 2016.

M. Y. Deshmukh, Ms. Manjeet Kripal, Adweetiya Sharma, Amitkumar Pathak, Satyajit A. Desai, Ms. Anagha S. Desai, Satya Kam

Sharma, Gajanan N. Tirthkar, Saurabh Anand, Dharmendra Kumar Sinha,

- B   Raju Sonkar, Ms. Mamta Srivastava, Mrs. Pooja Sonkar, Chander Shekhar Ashri, Advs. for the appearing parties.

The Order of the Court was passed by

**M. R. SHAH, J.**

- C   Delay condoned.

1. By Miscellaneous Application No. 1308 of 2020 in Civil Appeal No. 232 of 2016, the original appellant – applicant – The Maharashtra State Co-operative Bank Ltd. has prayed to transfer the amount of Rs. 3.52 crores deposited by the appellant – bank with this Hon'ble

- D   Court in the account of Collector, Bhandara alongwith interest. It is further prayed to direct the Collector, Bhandara to distribute the amount as per the entitlement of each and every employee of the sugar factory after proper identification proportionately.

- E   1.1 One another I.A./M.A. is preferred by the bank permitting the bank to withdraw the excess amount so deposited by the appellant - bank with accrued interest till date, i.e., Rs. 4,95,94,737/- In M.A. Diary No. 1755 of 2021, the bank has prayed to direct the employees of the respondent-sugar factory, whose legal dues are pending, to submit the relevant documents in support of dues and their claims so as to prove their legal dues and to furnish such a detail including the necessary details

- F   of their bank accounts for remitting their legal dues and furnishing their particulars alongwith a tabulation of total dues from the sugar factory till date in view of the order passed by this Hon'ble Court dated 04.12.2019 passed in Civil Appeal No. 232 of 2016.

- G   2. At the outset, it is required to be noted that by a detailed judgment and order dated 04.12.2019 in Civil Appeal No. 232 of 2016, this Court has upheld the right of the employees of the sugar factory to receive the amount from the appellant - bank and has held that the applicant/appellant bank must pay the employees' dues out of the sale proceeds from the auctioned property. However, it is required to be noted that so far as the liability of the appellant - bank would be to pay only the employees dues

- H

of salary/wages and so far as all other statutory dues in relation to employees namely provident fund, gratuity, bonus etc. are concerned, the liability has been fastened upon the subsequent purchaser. It appears that during the pendency of the aforesaid appeal and while passing the interim order, this Court directed the applicant/appellant bank to deposit 25% of the total amount of wages and pursuant to the same, the applicant/appellant bank deposited the amount of Rs. 3.52 crores with this Court and the same has been invested in the fixed deposit. It is reported that alongwith interest, the amount comes to Rs. 4,95,94,737/- It has come on record that earlier pursuant to the order passed by the Industrial Court, Bhandara, the appellant bank had deposited a sum of Rs. 13,89,84,334/- by demand draft dated 11.02.2021 in favour of "Member, Industrial Court, Bhandara".

3. Thus, the amount due and payable towards the wages/salaries of the concerned employees of the sugar factory in liquidation shall have to be paid to them and/or to their legal heirs (in case the original employee has died) out of the aforesaid amount (Rs. 13,89,84,334/- + Rs. 4,95,94,737/-), which shall have to be paid on the due verification and identity as per the certificate issued by the Collector, as on 23.08.2011, whereas a total sum of Rs. 13,89,84,334/- is due and payable to the employees, which amount includes the amount due and payable towards the statutory dues namely the provident fund, gratuity, bonus etc. However, at the same time, it is required to be seen that the amount goes to the right person, who is entitled to receive the amount due and payable to him and for that purpose there shall be full particulars including the bank account particulars of the concerned employees.

4. Having heard learned counsel appearing on behalf of the respective parties and taking into consideration the earlier order passed by this Court in Civil Appeal No. 232/2016, the present applications are disposed of with the following directions:-

- (i) The amount of Rs. 3.52 crores deposited by the appellant – bank, deposited with this Court pursuant to the earlier order passed by this Court with the interest accrued thereon be transferred in the account of the Collector, Bhandara so as to enable the Collector, Bhandara to distribute the same to the concerned employees/legal heirs of the employes of the sugar factory in liquidation;
- (ii) The amount of Rs. 13,89,84,3374/- lying with the Industrial Court, Bhandara along with the interest accrued thereon also be

- A transferred to the Collector, Bhandara in the account of Collector, Bhandara;
  - (iii) The Collector, Bhandara is hereby directed to pay/disburse respective employees' dues of salaries/wages to the concerned employees/legal heirs of the employes of the sugar factory in liquidation on proper identification and verification of the claims and to be deposited/paid directly in the bank account of the concerned employees/legal heirs of the employes of the sugar factory in liquidation along with the interest @ 7.5% on their respective dues.
- B
- C (iv) The aforesaid amount to be disbursed to the concerned employees/legal heirs of the employes of the sugar factory in liquidation at the earliest but not later than 31<sup>st</sup> December, 2023, as observed hereinabove with the utmost transparent manner and proper identification and verification of the claims of the respective employees/legal heirs of the employes of the sugar factory in liquidation.
- D
- E (v) The balance amount, if any, remaining after making the payment as above to the concerned employees/legal heirs of the employees of the sugar factory in liquidation as above, be dealt with in accordance with law and the balance amount be paid to the appellant – bank towards dues of the bank.

With this, present applications stand disposed of.

Nidhi Jain  
(Assisted by : Shashwat Jain, LCRA)

Applications disposed of.