

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO. 669 OF 2015
IN
WRIT PETITION NO. 4673 OF 2011**

SHAMSUDDIN SIKANDAR SHAIKH

V/S

TILAKNAGAR INDUSTRIES LTD., AHMEDNAGAR

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Mr. P.V.Barde, Advocate for Applicant.

Mr. V.P.Latange, Advocate for Respondent.

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CORAM : V.M.DESHPANDE, J.

DATE : 20th FEBRUARY, 2015

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PER COURT :

1. Heard Mr. P.V.Barde, the learned counsel for Applicant and Mr. V.P.Latange, the learned counsel for Respondent.

2. The present Civil Application is filed on behalf of the original respondent for withdrawal of the amount.

3. Initially, the respondent/original petitioner Tilaknagar Industries Ltd. deposited ₹ 2,98,000/- [Rupees

Two Lacs Ninety Eight Thousand only] before this Court. After such deposit, application bearing C.A. No. 10710/2012 for withdrawal of the said amount was moved. The said application was decided by this Court on 26/03/2014, by which this Court allowed the present applicant to withdraw 50 % of ₹ 2,98,000/- on certain conditions, which are incorporated in the Order dated 26/03/2014.

In the said order itself, it has been discussed by this Court that in future if more amount is deposited by the petitioner/employer, then the present applicant/original respondent/employee will be entitled to withdraw the said amount by filing Civil Application.

4. There is no quarrel that after the order dated 26/03/2014 was passed, the respondent/employer has deposited ₹ 3,50,000/- in this Court.

5. In pursuance to the said deposit and in view of the liberty granted to the present applicant in paragraph 9 of the order dated 26/03/2009, the present application is moved.

The application for withdrawal is strongly opposed by Mr. Latange, the learned counsel for the respondent.

6. I see no reason as to why the applicant is not entitled to withdraw the said amount, at least 50 % of the amount which the employer has subsequently deposited.

7. In that view of the matter, I pass the following

order :

- (1) The applicant in the present application shall be entitled to withdraw 50 % of amount of ₹ 3,50,000/- deposited by the original petitioner/employer after passing of the order dated 26/03/2014.
- (2) The applicant/employee will be entitled to withdraw the said 50 % amount subject to undertaking on oath by him that the amount will be returned in the event the petitioner succeeds. The undertaking shall contain complete name of the employee, his permanent address, telephone numbers both land-line and cell and the xerox copy of election card. The applicant shall also give undertaking that the employee shall deposit the amount within a period of 8 weeks, if the petitioner succeeds before this court.
- (3) With this observation, the present Civil application is disposed of.

[V.M.DESHPANDE, J.]