

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

WRIT PETITION NO. 4032 OF 2014

VHB Life Science Ltd.,
Through its Authorised Officer,
AB/50 Government Industrial Estate,
Charkhop Village,
Kandivali (West), Mumbai. ...Petitioner

versus

Dilip s/o Chimanrao Suryawanshi,
Age: 43 years, Occ: Not known,
R/o. 135-A, Prabhat Nagar,
Deopur, Dhule,
Tal & Dist. Dhule. ...Respondent

WITH

**CIVIL APPLICATION NO. 12640 OF 2014
IN
WRIT PETITION NO. 4032 OF 2014**

Dilip s/o Chimanrao Suryawanshi,
Age: 43 years, Occ: Not known,
R/o. 135-A, Prabhat Nagar,
Deopur, Dhule,
Tal & Dist. Dhule. ...Applicant

versus

VHB Life Science Ltd.,
Through its Authorized Officer,
AB/50 Government Industrial Estate,
Charkhop Village,
Kandivali (West), Mumbai. ...Respondent

.....

Mr. S.B. Talekar, Advocate for petitioner in writ petition and for
respondent in civil application.
Mr. N.L. Choudhari, Advocate for respondent in writ petitioner and
for applicant in civil application.

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CORAM : N.W. SAMBRE, J.

DATED : 19TH JANUARY, 2015

PER COURT :

. Civil Application No. 12640 of 2014 is preferred by an employee seeking permission to withdraw an amount of Rs.2,29,625/- (Rs. Two lacs twenty nine thousand six hundred and twenty five only) deposited in this Court.

2. The respondent was successful party in the judgment delivered in Complaint (ULP) No. 04 of 2009, whereby present petitioner was declared to have engaged in unfair labour practice and it was directed that the respondent be reinstated with continuity alongwith full back wages.

3. In the Revision, learned Industrial Court has refused to grant stay to the said judgment.

4. This Court has on 12/08/2014 granted ad-interim relief in terms of prayer clause (C) on the condition that the petitioner shall deposit half of the back wages. Pursuant thereto, the petitioner has deposited an amount of Rs. 2,29,625/-, which is sought to be

withdrawn by the respondent-employee.

5. With the consent of the parties, writ petition is taken up for final disposal at admission stage.

6. It is noticed that learned Labour Court has after having framed issues answered the same based on oral and documentary evidence and has given verdict in favour of the respondent that the petitioner herein is engaged in unfair labour practice.

7. Learned Industrial Court in the Revision, while considering the claim for grant of stay at the behest of the petitioner-employer, noticed that though sufficient opportunity was given to the petitioner to enter into witness box, however, the petitioner has not availed the same. It is also noticed by learned Industrial Court that the respondent-employee has established by cogent evidence his cause and as such, his claim was rightly allowed and has refused to grant stay, as no *prima facie* case was noticed.

8. In the light of above and as parties are in agreement that Revision would be disposed of finally, by expediting the same, present writ petition stands disposed of, with directions to the Industrial Court to decide the Revision within a period of six months

from today.,

9. In the above background, Civil Application No. 12640 of 2014 stands allowed.

10. The respondent-employee is permitted to withdraw the amount deposited by the petitioner in this Court, subject to condition that the respondent-employee executes the indemnity bond to the satisfaction of the Registrar (Judicial) of the same amount.

[N.W. SAMBRE, J.]