

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.

Office Memoranda of appearance, directions and orders.	Notes, of Court's orders and Registrar's	Office Coram, Court's or Judge's orders.
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CIVIL APPLICATION NO.: 6101 OF 2015
IN
FIRST APPEAL NO. 1246 OF 2015

SUREKHA W/O GOVIND KHANDAGLE AND OTHERS
VERSUS
JEEVAN BHAURAO SALUNKE AND ANOTHER

Mr. S. A. Wakure, Advocate for the Applicants.
Mr. D. R. Jethliya, Advocate for Respondent No.1.
Mr. S. G. Chapalgaonkar, Advocate for Respondent No.2.

CORAM: T. V. NALAWADE, J.
DATED: 30th JUNE, 2015.

PER COURT:

1. The application is filed for permission to hand over the amount deposited by the Appellant employer in the office of Commissioner.

2. Heard learned counsel for the Appellant. He submits that he has filed appeal challenging the decision on the four grounds, as follows:

(i) The wages ascertained by the Commissioner has no basis.

(ii) When there was no procedure followed for imposing penalty the penalty is imposed by the Commissioner.

3. This Court has gone through the reasoning given by the Commissioner. The Commissioner has considered the police papers. The Cleaner who was responsible for the accident had given report to the police and then the investigation was made. It appears that the cleaner was on driver's seat and the deceased came under the rear wheel of the truck owned by the appellant and crushed the deceased. Then on the basis of the material the Commissioner has held that the vehicle owned by the Appellant was involved in the accident. On the basis of report of the cleaner and the police papers and aforesaid circumstances the Commissioner has held that there was relationship as employer and employee. The Commissioner has considered the monthly salary as Rs.6,500/- and the Commissioner has taken 50% of the salary for calculation. The deceased was holding licence to drive the vehicle and this circumstance is considered. No reasoning is given for imposing of penalty by the Commissioner. In view of these circumstances, this

Court holds that permission needs to be given to the Respondent/ original claimants to withdraw the amount of Rs.6.16 Lakh with interest on it after giving undertaking that they will deposit the amount in the Court if the matter is decided in favour of the Appellant, with interest at the rate of 9% p.a. The application is disposed of in the aforesaid terms.

[T. V. NALAWADE, J.]

Dt.30/06/2015
ans/6101