IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 3984 OF 2012

NANDED DIST. CENTRAL CO-OPERATIVE BANK AND ANR
VERSUS
DASHRATH KERBA BASWADE AND ANR
...
Advocate for Petitioners : Shri Ingole Patil R. K.
Advocate for Respondent 1 : Shri Salunke P.B. h/f Salgare Vitthal G.
Advocate for Respondent 2 : Shri Adwant S.V.
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CORAM : RAVINDRA V. GHUGE, J.
Dated: January 12, 2015
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PER COURT :-

1. The petitioner has challenged the judgment of the Labour Court, Nanded, dated 31.1.2012 in Application (IDA) No.10 of 2011.

2. Grievance of the petitioners is that the amount awarded to respondent No.1 under Section 33-C(2) of the Industrial Disputes Act, 1947, was not payable and the said amount which has been deposited in the Savings Account of the respondent needs to be recovered from him. An amount of Rs.2,021/- by way of interest over the said amount held payable by the Labour Court, has been deposited in this Court.

3. The learned Advocate, appearing on behalf of the first respondent has vehemently supported the judgment. Shri Adwant, learned Advocate appearing for respondent No.2 submits that there were certain circulars by which certain restrictions on payment of monies were imposed on the Banks

as like the petitioners.

4. I have heard the learned Advocates for the respective sides and I have gone through the impugned judgment dated 31.1.2012. The Labour Court has considered the evidence in oral and documentary form brought on record by the litigating parties. Issue is as regards the amount retained by the petitioner Bank on the ground that the concerned employee had voluntarily deposited the said amount in fixed deposit receipts.

5. The Labour Court has considered the circular of the Reserve Bank of India in respect of general depositors. From the evidence on record, it had emerged that the respondent was not a depositor on his own volition, but was forced to deposit the amount received by him towards his pensionary benefits. The circular of the Reserve Bank of India was held to be inapplicable since the money retained by the petitioner - Bank was towards the pensionary benefits of the concerned employee.

6. The evidence recorded also reveals that the petitioner had admitted through their letter written to the respondent dated 24.3.2011 that the amount was directly deposited by the petitioner Bank in fixed deposit receipts shown in the name of the respondent. Due to restrictions of the Reserve Bank of India, the said amount was not paid to him.

7. The Labour Court had arrived at findings on facts. The respondent / employee has retired in 2005, which is practically ten years ago. Retiral

benefits were not delivered to him and were in fact locked in fixed deposit under the pretext of the restrictions by the Reserve Bank of India to disburse money. The Labour Court has arrived at its conclusions based on the oral and documentary evidence recorded before it and I do not find that the said judgment could be termed as being perverse or erroneous.

8. A retired employee has been deprived of his retiral benefits for the past about ten years. I do not find that this petition needs to be entertained. The Writ Petition is, therefore, dismissed.

9. The learned Advocates for the respective sides inform that the retiral benefits which were kept in the form of Fixed Deposit Receipts have been withdrawn by the first respondent, after the said deposits have matured by efflux of time. As such, the amount of Rs.2,021/- deposited in this Court on 16.1.2014, shall be withdrawn by the first respondent along with the accrued interest.

(RAVINDRA V. GHUGE, J.)

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