

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

CIVIL APPLICATION NO. 10789 OF 2015
IN
WRIT PETITION NO. 11151 OF 2014

Raju s/o Madhavrao Shinde	..	Applicant
vs		
Kinetic Engineering Ltd.	..	Respondent

Kiran M. Nagarkar, Advocate for applicant		
Mr. Vinayak S. Bedre, Advocate for respondent		

CORAM: SUNIL P. DESHMUKH, J.
9TH OCTOBER, 2015

ORDER

1. The claim for ₹ 9,61,012.32 against the respondent-company made by present applicant has been granted by the Member, Industrial Court, Ahmednagar under order dated 31-07-2014 in Miscellaneous Application (ULP) No. 1 of 2012. Said decision is under challenge in present writ petition.

2. It appears that the claim relates back to complaint (ULP) No. 472 of 1988 wherein right upto this court under writ petition no. 1275 of 1994 decided on 11-03-2005, the claim by present applicant regarding status, permanency and other consequential benefits stand granted. Letters Patent Appeal filed by the respondent-company bearing No. 86 of 2005 with regard to the same also appears to have been decided on 03-07-2008 and since the decision was not being implemented, proceedings under

Miscellaneous Application (ULP) No. 1 of 2012 had been initiated by original complainant-applicant in present civil application which are decided under order dated 31-07-2014 granting certificate of recovery of ₹ 9,61,012.32 ps. which is the subject-matter of present writ petition.

3. While granting interim relief in writ petition, this court had directed the petitioner to deposit a sum of ₹ 4,00,000/- in this court which, accordingly, appears to have been deposited as stated hereinbefore.

4. Applicant-original complainant-respondent in writ petition has filed this civil application for withdrawal of said amount of ₹ 4,00,000/-.

5. Learned counsel for the applicant submits that as a matter of fact about ₹ 17,00,000/- are due to the applicant from the respondent-writ petitioner. The applicant has referred to in the application to various sufferings on account of non payment by respondent-petitioner.

6. Learned counsel Mr. Bedre for respondent-petitioner, however, submits that calculations of the applicant are not accepted nor sum of ₹ 9,61,012.32/- could be said to be an adjudicated amount. He, however, has not been in a position to dispute that the decision has been rendered and recovery certificate in respect

of said amount under the order dated 31-07-2014 impugned in the writ petition.

7. Looking at that the claim relates back to 1988 and the original writ petitioner - respondent in civil application is not in a position to dispute that the benefits of the award passed by industrial court and confirmed upto this court in Letters Patent Appeal have not been translated into pecuniary terms in favour of the present applicant, yet.

8. In view of the same, I deem it appropriate that the amount of ₹ 4,00,000/- deposited in this court by writ petitioner is allowed to be withdrawn by the applicant.

9. Accordingly, civil application is allowed in terms of prayer clause (B) and disposed of. Interim relief already granted in favour of writ petitioner to continue.

10. Writ petition be taken up for early disposal.

SUNIL P. DESHMUKH, J.

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