

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 898 OF 2014
IN WRIT PETITION NO.10533/2012

RAMANTH BABURAO MORE AND ANOTHER
VERSUS
THE DIRECTOR, BHASKAR PANDURANG HIWALE
EDUCATION SOCIETYS RURAL DEVELOPMENT CENTER

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Advocate for Applicants : Shri Dighe Pravin S
Advocate for Respondent : Shri Joshi A.R.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: August 01, 2015

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PER COURT :-

1. I have the learned Advocates for the respective sides.
2. By order dated 31.1.2013, this Court had directed the petitioner - Society to deposit Rs.3,00,000/-. Subsequently, by order dated 23.9.2013, this Court confirmed Rule on interim relief and directed the petitioners to deposit Rs.7,00,000/- within twelve weeks. It is not in dispute that these amounts have been deposited in this Court.
3. The applicants pray for withdrawal of the entire amount on the ground that their total claim as regards payment of salaries as per the 5th Pay Commission recommendations would amount to more than Rs.20,00,000/-. It is, therefore, submitted that the applicants are willing to abide by any condition imposed by this Court and would also undertake to refund the amount within two months, in the event this petition is allowed.
4. Shri Joshi, learned Advocate for the respondent has vehemently opposed the application on the ground that none of these applicants are entitled for any amount. The impugned judgment of the Industrial Court, dated 9.11.2012, suffers from grave perversities. The applicants are not in employment of the management from 14.8.2007 and it would be difficult to recover the amount if it is disbursed to the applicants.

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5. This Court, after hearing the litigating sides, has directed the petitioner - management to deposit Rs.10,00,000/-. The management had preferred Review Application (St) No. 33140 of 2013, seeking review / recalling of the order dated 23.9.2013, by which this Court had directed the management to deposit Rs.7,00,000/-. By order dated 18.7.2014, the Review Application was rejected.

6. In the light of the above, this application is partly allowed. Both the applicants are permitted to withdraw Rs. 3,50,000/- each. An undertaking, duly sworn in this Court, will be filed in these proceedings by each of them, to indicate that they would return the amount in the event this petition is decided against them. So also, both the applicants shall individually submit a Bank guarantee for an amount of Rs.1,75,000/- each and a surety for an amount of Rs.1,75,000/- each, before withdrawing the said amount from this Court. The undertaking affidavit to be filed shall contain the permanent address of the applicants along with a copy of their Permanent Account Number (Income Tax), and a copy of their Election Identity Card, both duly attested. The rest of the amount of Rs. 3,00,000/- shall be invested by the Registry of this Court, if not already invested, in a Nationalized Bank in Aurangabad initially for three years.

(RAVINDRA V. GHUGE, J.)

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