

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.5666 OF 1995

The Chief Executive Officer,
Zilla Parishad, Aurangabad,
Tq. and Dist.Aurangabad

PETITIONER

VERSUS

1. Sopan S/o Shankar Magar,
Age-Major, Occu-Service,
R/o Khandala, Tal.Vaijapur,
Dist.Aurangabad,

RESPONDENTS

2. State of Maharashtra

Mrs.G.L.Deshpande, Advocate for the petitioner.
Mr.S.W.Munde, AGP for respondent No.2.
Mr.A.S.Shelke, Advocate for respondent No.1.

(CORAM : RAVINDRA V. GHUGE, J.)

DATE : 11/08/2016

ORAL JUDGMENT :

1. I have heard Mrs.Deshpande, learned Advocate for the petitioner and Mr.Shelke on behalf of the respondent. During the pendency of this petition, the following events have occurred, which cannot be overlooked :-

[a] This Court, by order dated 05/10/1996, directed the petitioner to deposit Rs.1,00,000/- towards the difference in the pay scale which was granted by the Industrial Court vide the impugned judgment dated 19/09/1995.

[b] Under orders of this Court, respondent No.1 withdrew an amount of Rs.50,000/- from the Industrial Court, where the

amount was deposited on 19/01/1999.

- [c] The remaining amount with accrued interest is with the Industrial Court, Aurangabad.
- [d] The respondent was orally terminated on 01/11/1996.
- [e] He preferred Ref.(IDA) No.28/2000 before the Labour Court, which was allowed by the award dated 18/05/2013.
- [f] In lieu of reinstatement with continuity and back wages, the Labour Court granted compensation of Rs.1,50,000/- to the respondent.
- [g] None amongst the litigating sides have challenged the award dated 18/05/2013.

2. Learned Advocate for the petitioner submits on instructions that this petition can be disposed of by permitting respondent No.1 to withdraw the residual amount with interest lying with the Industrial Court. Learned Advocate for respondent No.1 submits on instructions that respondent No.1 is agreeable for the same.

3. In the light of the above, this petition is rendered of an academic interest and is therefore disposed of by permitting respondent No.1 to withdraw the residual amount with accrued interest from the Industrial Court by submitting tangible evidence of his identity proof in the nature of Pan Card or Election ID card. Rule is discharged.

(RAVINDRA V. GHUGE, J.)