

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 474 OF 2016

IN

WRIT PETITION NO. 186 OF 2004

THE GOA URBAN CO-OP. BANK LTD.,
REP. BY ITS M.D. MR. VILAS M.
NARKAR.

... Applicant

Versus

MR. RUI FERREIRA AND 2 ORS.

... Respondent

Mr. Avalon Alton Carvalho, Advocate for the applicant.

None for the respondent no.1.

Mr. A. Jamadar, Addl. Government Advocate for the respondent nos.
2 & 3.

Coram:- F. M. REIS, J.

Date:- 1st December, 2016

P.C.

Heard Mr. A. Carvalho, learned counsel appearing for the applicant and Mr. A. Jamadar, learned Addl. Government Advocate appearing for the respondent nos. 2 and 3.

2. It is brought to my notice that in view of the order passed by the Apex Court dated 29.01.2016, the applicant/Bank is allowed to withdraw the amount deposited in view of the payment of the lumpsum amount of Rs.42.50 lakhs to the respondent no.1/workman. The learned counsel appearing for the applicant states that the entire amount in terms of the order of the Apex Court has already been paid to the respondent no.1/workman. It is also pointed out that the

amount sought to be withdrawn is in terms of the said order passed by the Apex Court dated 29.01.2016. The respondent no.1 though served has failed to remain present. Opportunities were given to the respondent no.1/workman to remain present but none appears for the respondent no.1. It appears that the respondent no.1 as such does not desire to oppose the relief sought in the above application.

3. A reply however has been filed contending that some illegal deductions have been made by the Bank. The learned counsel appearing for the applicant/Bank however points out that the deductions are the taxes deducted in accordance with law. The respondent no.1 if so advised may raise such issue, if any, before an appropriate forum. In view of the above, the application is allowed. The applicant is permitted to withdraw the amount of Rs.35,000/- deposited in this Court along with interest accrued thereon, if any. Registry is directed to act accordingly.

4. The application stands disposed of accordingly.

F. M. REIS, J.

at*