

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.80 OF 2014
IN
LETTERS PATENT APPEAL NO.42 OF 2011

H.S. Kadlak

...Applicant

Versus

M/s. Pico electronics and Electricals
Ltd., Pimpri, Pune

...Respondents

...

Ms Anjali Neel Helekar for the Applicant.
Mr. K.S. Bapat for Respondent

CORAM : A.S. OKA &
SMT. ANUJA PRABHUDESSAI, JJ.

DATED : 29th NOVEMBER, 2016.

P. C. :

This is an application made by the Respondent in the pending Letters Patent Appeal. By the judgment and order of the learned Single Judge, which is impugned in the Letters Patent Appeal, the learned Single Judge proceeded to set aside the awards made by the Labour Court in the reference and the reference was allowed. The present Applicant, who is Respondent in Letters Patent Appeal was ordered to be reinstated with continuation of service and 50% of the back wages.

2. The Letters Patent Appeal has been admitted for final hearing. The Division Bench of this Court by order dated 11th July, 2011 stayed the operation of the impugned order of the learned Single Judge on condition that the Respondent -Appellant shall deposit 50% of the total amount payable to the present Applicant as per the impugned order. The amount was ordered to be deposited with the Registry. Accordingly, amount has been deposited.

3. The present application is made by the Applicant for seeking permission to withdraw the amount with interest accrued thereon. The order dated 11th July, 2011 notes that the Applicant has already reached the age of superannuation.

4. In our view, permission deserves to be granted to withdraw the amount deposited in this Court with interest accrued thereon subject to furnishing adequate security for entire amount to the satisfaction of the Registrar- Judicial-I of this Court.

5. Accordingly, we dispose of the application by passing following order:

ORDER

(i) It will be open for the Applicant to withdraw the

amount deposited by the Respondent in this Court in terms of order dated 11th July, 2011 passed in Civil Application No.226 of 2011 together with interest accrued thereon subject to furnishing adequate security to the satisfaction of the Registrar, Judicial-I.

The Registrar, Judicial-I shall give an opportunity of being heard to the Respondent (Appellant in the Letters Patent Appeal) before accepting the security;

- (ii) The Letters Patent Appeal shall be added to the appropriate weekly board as per its turn.

(ANUJA PRABHUDESSAI, J.)

(A.S. OKA, J.)