

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 1361 OF 2017

M/S AURANGABAD DISTRICT CENTRAL CO OP BANK LTD
AURANGABAD
VERSUS
SUBHASH BHAVRAO DESHMUKH

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Advocate for Petitioner : Shri Upadhye Vinayak Narayan.

Advocate for Respondent : Shri Shahane Pradeep L..

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 21st February, 2017

Per Court:

1 This petition has been filed for challenging the interlocutory order dated 16.12.2016 delivered by the Industrial Court by which the application for interim relief Exhibit C-2 in Revision (ULP) No.22/2011 has been rejected.

2 The Petitioner has challenged the judgment of the Labour Court dated 29.10.2010, in Revision (ULP) No.22/2011 before the Industrial Court. The application Exhibit C-2 does not seem to have been pressed until the Respondent preferred the criminal ULP under Section 48(1) of the MRTU & PULP Act, 1971.

3 Shri Upadhye, learned Advocate for the Petitioner, is aggrieved because on the one hand, the Revision ULP is pending before the Industrial Court and on the other hand, the criminal ULP is being conducted before the Labour Court. He submits, on instructions from the Petitioner, that the back wages granted by the Labour Court would be deposited before the Industrial Court in the revision proceedings within four weeks from today. He, therefore, prays that the criminal proceedings before the Labour Court be adjourned till the decision in the revision ULP by taking into account the deposition of the back wages.

4 Shri Shahane, learned Advocate for the Respondent/Employee, submits that he would get the criminal proceedings before the Labour Court adjourned if he is permitted to withdraw some portion of amount from the back wages keeping in view that his dismissal dated 04.03.1996 has been set aside by the Labour Court and he is still out of employment for the last about 21 years.

5 In the light of the above, this Writ Petition is disposed of by recording the statement of the Petitioner that the back wages as granted by the Labour Court would be deposited before the Industrial Court within FOUR WEEKS from today. On the condition of deposit, the ULP criminal complaint filed by the Respondent would be adjourned till the Industrial

Court decides Revision (ULP) No.22/2011 on its merits. In the event, the said amount is not deposited as per the statement made above, the Respondent would be at liberty to proceed with the ULP criminal complaint.

6 Insofar as the withdrawal of some portion of the amount deposited is concerned, the Respondent would be at liberty to make such an application to the Industrial Court. The Industrial Court would consider the grant of the said application by imposing a condition of undertaking of the Respondent supported with an affidavit.

kps

(RAVINDRA V. GHUGE, J.)