

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.3133 OF 2017
(Shivnath Suresh Shelke Vs. M/s Motherson Advanced Tooling
Solutions Ltd., Through Vice President)
IN
WRIT PETITION NO.7328 of 2016

Mr.Y.I.Thole, Advocate for the applicant.
Mr.S.V.Dankh, Advocate for respondent Nos.1 and 2.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 23/06/2017

PER COURT :

1. Pursuant to the order of this Court dated 05/08/2016 passed in WP No.7328/2016, the respondent/Management has been depositing the monthly wages of the petitioner in this Court. Certain observations have been made by this Court in paragraph Nos.11, 12 and 13 with regard to the dismissal of the petitioner from service without conducting an enquiry. The respondent/Management was therefore given an option of extracting work from the petitioner so as to pay him his monthly wages for the work actually performed or to deposit the monthly wages in this Court, if the management is not inclined to offer him any work. Learned Advocate for the Management submits that it has chosen to keep the petitioner idle and deposit his monthly wages in this Court.

2. It is further informed that when the Management terminated the services of the petitioner, the terminal benefits were calculated and he was paid an amount of Rs.49,083/-.

3. Learned Advocate for the workman submits that he has received the said amount.

4. By the order of this Court dated 05/08/2016, as the monthly salary of the workman was to be paid to him beginning from the month of August 2016, the Management has continued to deposit the said amount in this Court. By the Civil application, the workman prays for withdrawal of the said amount since he has to feed his family and has no other source of income. A child of about 9 months is to be taken care of and the mother of the child is said to be suffering from certain ailments.

5. It is further stated that the workman will have to move a civil application every month for withdrawal of his monthly wages which is quite cumbersome. Instead, if the amount is to be deposited in the Industrial Court at Aurangabad with liberty to withdraw the amount every month, the miseries of the workman would be reduced.

6. Learned Advocate for the Management submits that since this Court has observed that the workman is to be treated as in employment and monthly wages are to be deposited, the amount that he has received towards terminal benefits will have to be adjusted against his monthly salary. He also prays for an out of turn final hearing of this writ petition since the workman is drawing monthly wages.

7. Considering the above, this civil application is partly allowed with the following directions :-

[a] Out of the amount deposited by the Management in this Court till June 2017, an amount of Rs.50,000/- (Rs.Fifty thousand only) shall be retained in this Court and the Registry shall invest the same with a Nationalized Bank in Fixed Deposit Receipt initially for a period of 1 (one) year.

[b] An amount of Rs.90,000/- will be withdrawn by the workman as against his monthly wages being deposited in this Court by tendering an application duly identified by the Advocate and with a recent photograph, recent address proof, photo copy of Election Commission Voter ID.

[c] From the month of July 2017, the respondent/Management

shall deposit the monthly wages before the Industrial Court at Aurangabad as per the earlier directions on or before 15th day of each month and after such deposit, the workman would be at liberty to withdraw the said amount from the Industrial Court.

[d] The pendency of the writ petition shall not be an impediment for the Industrial Court, Aurangabad to decide Complaint (ULP) no.314/2015 finally.

(Ravindra V.Ghuge, J.)