

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

CIVIL APPLICATION NO. 6321 OF 2017
IN WP/1361/2017

M/S AURANGABAD DISTRICT CENTRAL CO OP BANK LTD
AURANGABAD

VERSUS
SUBHASH BHAVRAO DESHMUKH

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Advocate for Applicant : Shri Upadhye Vinayak Narayan.

Advocate for Respondent : Shri Shahane Pradeep L..

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 15th September, 2017

Per Court:

1 I have heard the learned Advocates for the respective sides for quite some time.

2 The Applicant/ original Petitioner prays for continuing the stay to the Criminal Complaint (ULP) No.28/2013 till the decision in the Revision (ULP) No.22/2011 pending before the Industrial Court, Aurangabad.

3 Shri Shahane, learned Advocate for the Workman, makes a serious grievance that as against 50% back-wages as were granted by the Labour Court, the Applicant/ Establishment has deposited only Rs.2,50,000/- towards the said back-wages over a period of 14 years

calculated from the date of his termination in 1996 till the judgment of the Labour Court in 2010. That would make his monthly gross salary @ Rs.3000/-.

4 I quite see that a meager amount has been deposited by the Applicant. The Applicant needs to deposit further amount of Rs.2,50,000/- and on the condition of deposit, interim stay to the criminal proceedings can be continued till the decision in the revision petition.

5 Shri Upadhye, learned Advocate for the Applicant/ Establishment, makes a statement, on instructions, that the said amount would be deposited before the Industrial Court.

6 Considering the above, this Civil Application is allowed on the following conditions:-

- (a) If the Applicant/ Establishment deposits an amount of Rs.2,50,000/- (Rupees Two Lac Fifty Thousand) before the Industrial Court, Aurangabad within THREE WEEKS from today, interim stay to the Criminal Complaint (ULP) No.28/2013 shall continue till the decision in Revision (ULP) No.22/2011 pending before the Industrial Court.
- (b) Since the revision petition is over due to be decided finally having been lodged in 2011, the Industrial Court is, therefore, directed to decide the Revision Petition No.22/2011 as expeditiously as possible and preferably on or before

30.12.2017.

- (c) In the event, the Respondent/ Workman moves an application for withdrawal of the entire amount before the Industrial Court, the Industrial Court may consider the said application favourably by imposing certain conditions as it may pragmatically think fit and proper. This shall mean that the Industrial Court would consider the hardships faced by the Workman and pass an appropriate order.

kps

(RAVINDRA V. GHUGE, J.)