

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 12417 OF 2017
IN WP/8010/2017

PANDURANG DNYANOBA SONKAMBLE
VERSUS
THE CHIEF EXECUTIVE OFFICER ZP NANDED AND OTHERS

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Advocate for Applicants : Shri Patil Sham B.
Advocate for Respondents : Shri Kadam N.S.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: October 06, 2017

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PER COURT :-

1. The applicant prays for withdrawal of Rs.6,80,000/- deposited by the petitioner in this Court under the order of this Court dated 20.6.2017. That was a condition for protecting the petitioners against the possible attachment for recovery of the said amount, which the Labour Court has computed towards unpaid minimum wages.

2. Learned Advocate for the respondents have strenuously opposed this application. He submits that the claim for minimum wages has been put forth belatedly. The Zilla Parishad has paid the applicant wages as are prescribed. There was no short fall in making the said payment and the Labour Court has delivered an erroneous judgment dated 19.1.1016, which has been challenged

by the Zilla Parishad in the Writ Petition filed on 19.6.2017.

3. Upon considering the submissions of the learned Advocates, I find that this Court has ensured that the petitioner's deposit the amounts as are assessed towards the unpaid minimum wages and on that condition the respondent was protected against the possible attachment of the property.

4. Learned counsel for the employee submits that though he was working from 1987 with the Zilla Parishad, he was terminated from service only because he claimed minimum wages which was his right. The said termination is subject matter of different proceedings between the parties. Presently, the applicant is without employment.

5. Considering the above, I find that the ends of justice would be met by permitting the applicant to withdraw an amount of Rs.4,00,000/- with certain conditions.

6. Consequentially, this application is partly allowed under the following conditions:-

(A) The applicant shall tender an application, duly

identified by the learned Advocate for withdrawal of Rs.4,00,000/- only.

(B) The remaining amount shall be invested with a Nationalized Bank in Fixed Deposit, initially for a period of three years, if not already invested.

(C) The applicant shall tender a recent photograph, recent address proof and a copy of the Election Commission's Voter Id Card, along with a copy of either his Aadhar Card or the Income Tax PAN card.

(D) The application shall be accompanied with an affidavit undertaking of the applicant declaring that in the event he suffers an adverse order in the petition and is not held entitled to any amount or some portion of the amount, he would refund the amount if found to be in excess of his entitlement, without interest, within eight weeks from the date of the judgment in the Writ Petition. The affidavit shall be sworn in the High Court at Aurangabad.

7. Civil Application stands disposed off.

(RAVINDRA V. GHUGE, J.)

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