

IN THE HIGH COURT OF BOMBAY AT GOA

CIVIL APPLICATION NO. 132 OF 2016

IN

WRIT PETITION NO. 486 OF 2015

THE WORKMEN, REP. THR. ITS
PRESIDENT MR. JOAQUIM GOMES.

... Applicant

Versus

M/S. FOMENTO HOTELS AND RESORTS
LTD., REP. BY ITS MANAGER AND 2
ORS.

... Respondent

Mr. Shivraj Gaonkar with Ms. Caterina Rebeiro and Mr.
Ratnakar S. Pai, Advocates for the Applicant.
Mr. Anand Pai with Mr. Gaurish Kamat, Advocates for
Respondent Nos.1 and 2.

Coram:- C. V. BHADANG, J.

Date:- 30th January, 2017

P.C:

Heard the learned Counsel for the applicant and the learned
Counsel for respondent nos.1 and 2 for sometime.

2. The learned Counsel for the applicant, on instructions,
restricts the claim for withdrawal of the amount to Rs.325/- per
workman (being the difference between the increase granted by
the final award at the rate of Rs.1,450/- and the increase granted
by the interim award at the rate of Rs.1,125/-).

3. The learned Counsel for respondent nos.1 and 2 has no
objection for permitting withdrawal of the said amount of

Rs.325/- per workman, subject to the individual workman filing an undertaking before this Court that they will bring back the said amount and/or the respondent nos.1 and 2 shall be permitted to recover the same against any dues payable to the workmen, in accordance with the final decision in the Writ Petition.

4. In such circumstances, by consent of parties, the application is disposed of in the following terms:

(a) The workmen shall be permitted to withdraw Rs.325/- per workman, subject to the applicant/Union filing an undertaking (signed by each individual workman) to bring back the amount and/or authorising respondent nos.1 and 2 to recover the same against any dues payable to the workmen, in accordance with the final decision in the Writ Petition.

(b) The undertaking shall be filed within two weeks from today.

(c) This shall be without prejudice to the rival contentions of the parties, on merits.

(d) The application is disposed of in the aforesaid terms.

C. V. BHADANG, J.

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