

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 1156 OF 2008

M/s. Alang Gases and Air Products Pvt. Ltd. ... Petitioner

V/s.

Madhukar L. Sonawane ... Respondent

None for the Petitioner.

Mr. Vasant J. Amberkar for the Respondent.

CORAM : G.S. KULKARNI, J.

DATE : 22nd MARCH, 2017.

ORDER :

1 None for the Petitioner when the Petition is called out for final hearing. The name of the Petitioner and the Advocate for the Petitioner are correctly displayed on the cause list. The cause list is published quite some time back. This Petition has been on board since last two days for final hearing.

2 Today, when the Petition is called out for hearing, neither the representative of the Petitioner nor the Advocate for the Petitioner are present. It appears that the Petitioner is not interested to prosecute this Petition. In the circumstances, Petition is dismissed for non-prosecution.

3 At this stage learned counsel for the respondent submits that in the order dated 05.03.2008, while admitting the

Petition, this Court had not granted any stay to the order of reinstatement. However, the award to the extent of payment of full backwages is stayed subject to the Petitioner depositing the said amount with the Registry of this Court within a period of four weeks from the date of the said order. Learned counsel for the Respondent submits that in pursuance of the said order, the Petitioner has deposited the amount of full backwages in this Court. He submits that the Respondent be permitted to withdraw the amount of backwages. This submission cannot be rejected. The Respondent has succeeded before the Labour Court, as also there was no stay granted to the order of reinstatement. It is, thus, in the interest of justice, that the Respondent is permitted to withdraw the amount of backwages which came to be deposited in this Court along with the accrued interest. Accordingly, the Office is directed to permit the Respondent to withdraw the amount of backwages as deposited in this Court under the order dated 05.03.2008 along with accrued interest till the date of withdrawal.

4 Parties to act on the authenticated copy of this order.

(G.S. KULKARNI, J.)