

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE CIVIL JURISDICTION
CIVIL APPLICATION NO. 1642 OF 2017
IN
WRIT PETITION NO. 2603 OF 2016

Shri. Eknath Ganpati Nalawade ... Applicant

In the matter between :

Chairman/Secretary,
Maharashtra State Electricity Board ... Petitioner

Versus

Shri. Eknath Ganpati Nalawade ... Respondent

Mr. Kuldeep Nikam for the Applicant and original Respondent.

Mr. R.A. Naik instructed by Mr. Umesh Mankapure for the original Petitioner.

CORAM : S.J. KATHAWALLA, J.
DATED : 4th OCTOBER, 2017

P.C.:

1. The Complaint (ULP) No. 31 of 2012 was filed by the complainant before the Industrial Court at Sangli under Section 28 read with Items 9 and 10 of Schedule IV of the Maharashtra Recognition of Trade Union and Prevention of Unfair Labour Practices Act, 1971 ('the said Act') alleging that the Respondent has engaged and is engaging in unfair labour practices under Items 9 and 10 of Schedule IV of the said Act by not paying the legal/terminal dues of the complainant such as provident fund, employees security deposit amount, leave encashment amount, difference of bonus amount, increment and deposit amount etc. which amounts have been paid by the

Respondent to all other employees except the complainant.

2. After considering the evidence as well as submissions, the Learned Member, Industrial Court, Sangli has passed an Order dated 6th September, 2014 partly allowing the complaint and directing the Respondent to deposit the provident fund amount of Rs.1,13,407/- alongwith 10% simple interest, w.e.f. 31st August, 2010 till deposit, Rs.50,000/- security deposit and Rs.37,198/- as leave encashment with 12% simple interest from 31.08.2009 till deposit of the amount.

3. Being aggrieved by the Order dated 6th September, 2014 filed by the Learned Member, Industrial Court, Sangli, the Petitioner has filed the above Writ Petition impugning the said order. I am informed that only ground on which the said Order dated 6th September, 2014 is impugned in the present Writ Petition is that there was delay in filing the Complaint (ULP) No. 31 of 2012 before the Industrial Court, Sangli. Interestingly, no such objection was raised before the Learned Member, Industrial Court, Sangli and the same is raised for the first time in the present Writ Petition. Though, the above Writ Petition was admitted by an order dated 23rd January, 2017, by the said order, this Court directed the Respondent to deposit the entire decretal amount and also granted liberty to the Respondent to move an application seeking withdrawal of the said amount.

4. Pursuant to the said liberty granted by this Court, the Respondent has taken out the above Civil Application seeking permission of this court to withdraw the amount deposited by the Petitioner. It is submitted on behalf of the Respondent that the

Respondent is a very poor man and is finding it very difficult to make two ends meet and that grave and irreparable harm, loss, damage, injury and prejudice shall be caused to him, if he is not allowed to withdraw the said amount.

5. Though the Civil Application is served on the Petitioner as far back as in June 2017, the Petitioner has till date not filed any reply in response thereto. In view thereof, no case is made out as to why the Respondent should not be allowed to withdraw the amount deposited in this Court, more so when the Respondent has stated that he is very poor man and is leading a hand to mouth existence. The above Civil Application is therefore, allowed. The Registry is directed to forthwith pay the amount deposited by the Petitioner to the Respondent along with interest accrued thereon, if any.

6. Place the above Writ Petition for directions on 30th October, 2017.

(S.J.KATHAWALLA, J.)