

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

LETTERS PATENT APPEAL NO. 17 OF 2007
IN
WRIT PETITION NO. 7241 OF 2006
WITH
CIVIL APPLICATION NO. 677 OF 2007

1. The Jalna District Central
Co-operative Bank Limited
Santoshi Mata Road,
Jalna, Tq. & District Jalna,
Through it's General Manager.
2. The Jalna District Central
Co-operative Bank Limited
Santoshi Mata Road,
Jalna, Tq. & District Jalna,
Through it's Administrator.

....Appellants.

Versus

Umesh s/o. Nanasaheb Kawade,
Age 53 years, Occu. Service,
R/o. Sahakar Bank Colony,
Jalna, Tq. & Dist. Jalna.

....Respondent.

Mr. V.R. Dhorde h/f. Mr. R.N. Dhorde, Senior Counsel for appellants.

Mr. A.N. Nagargoje, Advocate for respondent.

**CORAM : T.V. NALAWADE AND
SUNIL K. KOTWAL, JJ.
DATED : JANUARY 24, 2018.**

JUDGMENT : [PER T.V. NALAWADE, J.]

- 1) Both the sides are present. Both the sides are heard.
- 2) Before the learned Single Judge in Writ Petition No. 7241/2006, the order made by the Industrial Court, Jalna in ULP No.

19/2005 was challenged. The Industrial Court held that there was unfair labour practice and the present respondent employee of the appellants is entitled to get the benefit of the scheme for which his contribution was collected. He suffered heart attack in the year 2002 and when the scheme was started in the year 1997 and the deductions from source, from salary was made till the month of May 2005. These circumstances are considered by the Industrial Court and direction is given to the present appellants to make payment of 80% of the amount of Rs. 1,73,115/- as the medical expenses.

3) The learned Single Judge of this Court granted conditional stay and directed the appellants to deposit the amount of Rs. 1,30,000/- as against aforesaid amount for getting interim relief. Liberty is given by the learned Single Judge of this Court to employee to withdraw the amount subject to condition that he gives undertaking that he will return the amount if the employer succeeds in the matter.

4) The orders like stay, injunction made by any Court of interim nature are made always by using the discretionary power given to the Court. The appellate Courts are expected not to lightly interfere in such orders. Further, whenever there is social and beneficial legislation in favour of the employees, the interpretation of

the statutes needs to be made accordingly. So, when there is question of giving interim relief in the case like present one and the Court makes some order which is conditional in nature, the appellate Court is not expected to interfere in that order.

5) It is unfortunate that this Court granted stay to the order made by the learned Single Judge in the year 2008 and the matter remained pending in this Court for almost 10 years. Due to that the matter before learned Single Judge remained pending. In view of the aforesaid circumstances, this Court holds that nothing can be achieved in the present matter. The appeal stands dismissed. The civil application is disposed of.

[SUNIL K. KOTWAL, J.]

[T.V. NALAWADE, J.]

ssc/