

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.4731 OF 2018
(Nanda Murlidharrao Deshmukh Vs. Sarvodaya Kala Mandal
Aurangabad and others)

IN
REVIEW APPLICATION NO.192 OF 2017
IN
WRIT PETITION NO.9903 OF 2016

Mr.S.V.Jadhav Patil, Advocate for the applicant.

Mr.P.B.Salunke h/f Mr.V.G.Salgare, Advocate for respondent Nos.4 to
6 in writ petition.

Mr.S.R.Yadav, AGP for State.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 15/06/2018

PER COURT :

1. By this application, the applicant/original appellant employee prays for withdrawal of Rs.2,00,000/- which have been deposited in this Court by the respondent/management.

2. Learned Advocate for the management enters an affidavit in reply. While opposing the civil application, it is contended that an SLP has been lodged in the Hon'ble Apex Court on 05/06/2018 bearing diary No.21778/2018. It is, therefore, prayed that the applicant should not be allowed to withdraw any amount from this Court.

3. The Management was the respondent before the School Tribunal when the applicant herein challenged her termination from service. Voluminous documents were placed before the Tribunal. The appeal was dismissed by judgment dated 14/01/2016. The appellant approached this Court in WP No.9903/2016 which was allowed by judgment dated 06/02/2017. A review petition was preferred by the management bearing No.192/2017. Since the directions of this Court were not implemented and the back wages payable to the appellant were said to be about Rs.16,00,000/-, this court directed the management to pay only Rs.2,00,000/- as a condition precedent for hearing the review.

4. While hearing the review extensively, this Court realized that the Management had attempted to mislead this Court by terming all the documents filed by the appellant before the School Tribunal as being forged documents. It was revealed that the management had never taken a stand with regard to even a single document before the Tribunal that it was a forged document. Hence the review petition was dismissed by imposing costs of Rs.25,000/- by judgment dated 07/03/2018. That costs amount is also deposited.

5. Learned Advocate for the appellant submits that she is a terminated employee who is litigating against a mighty management. She has no earning to feed herself. The back wages are more than Rs.16,00,000/- and only Rs.2,00,000/- have been deposited.

6. Considering the above, this civil application is allowed. The applicant is permitted to withdraw an amount of Rs.2,00,000/- deposited in this Court. Her application for withdrawal would be accompanied by a recent photograph, due identification by the advocate and a copy of her address proof and her PAN card.

(Ravindra V.Ghuge, J.)