

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD***

949 CIVIL APPLICATION NO. 4995 OF 2014
IN WP/2372/2012

Jivankumar Annasaheb Kale & Ors. ... Applicants

Versus

M/s Aurangabad Paper Mills Ltd. & Anr. ... Respondents

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Mr. Anil S. Bajaj, Advocate for Applicants

Mr. G.K. Naik Thigle, Advocate for Respondents No. 1 & 2

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Coram : N.M. Jamdar, J.

Date : 30 November 2018

Oral Order :

1 This application is filed for withdrawal of an amount of ₹ 23,00,000/- deposited by the revision applicant in this Court, pursuant to the order dated 2 December 2013.

2 The learned Counsel for the petitioner opposes and submits that as many as seven workmen have settled their disputes

and have accepted an amount of ₹1,00,000/-. He submitted that some of the workmen are gainfully employed.

3 The applicant/workmen have succeeded before the Industrial Court. The stay has been granted, subject to the condition of deposited of ₹ 23,00,000/-. In spite of succeeding in the Industrial Court, in the year 2011, the applicants have not received any amounts. According to the learned Counsel for the applicants, those applicants who are gainfully employed elsewhere have settled their disputes and the remaining applicants, who are not gainfully employed, are seeking the withdrawal. Be that as it may, considering the jurisprudence from which this petition arises and the fact that the respondents/workmen have succeeded in the year 2011 itself, and considering the cost of living, I am of the opinion that, excluding the seven workmen, the remaining workmen can be permitted to withdraw an amount of ₹ 1,00,000/- each. To safeguards the rights of the respondents/original petitioner employer, the withdrawal can be directed subject to furnishing the solvent security to the satisfaction of the Registrar.

4 Accordingly, the civil application is disposed of permitting the applicants, excluding the applicant Nos. 1, 2, 3, 6, 8, 9

and 10, to withdraw an amount of ₹1,00,000/- each, subject to furnishing solvent security to the satisfaction of the Registrar. It is made clear that the withdrawal will be subject to the outcome of this writ petition. The Civil Application is, accordingly, disposed of.

N.M. Jamdar, J.

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Sameer//