

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

CIVIL APPLICATION NO.13172 OF 2018
IN WP/2571/2016

ASHOK SAKHAHARI YEWALE
VERSUS
DR BABURAO BAPUJI TANPURE CO OPERATIVE SUGAR FACTORY LTD
SHIVAJINAGAR

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Advocate for the Applicant : Shri Barde Parag Vijay.

Advocate for the Respondent : Shri R R Karpe.

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 26th October, 2018

Per Court:

1 This Civil Application is filed by the original Respondent/
employee, who has succeeded before the Labour Court.

2 By order dated 15.03.2016 passed by this Court, the writ
petition was admitted on the condition that the Petitioner Sugar Factory
would deposit an amount of Rs.6.50 lac in this Court and based on that
condition, the Respondent/ employee was restrained from resorting to
execution or coercive proceedings.

3 The record reveals that the Petitioner Sugar Factory enjoyed
the interim relief granted by this Court, but there was a flagrant
disobedience of the directions to deposit the amount. This caused the

Respondent/ employee to initiate Contempt Petition No.735/2017 in this Court and the Petitioner deposited the amount of Rs.8,85,492/- in this Court, which includes the amount of interest.

4 The learned Advocate for the Petitioner/ Sugar Factory submits that the interim order was passed by this Court and the petition is pending final hearing. He prays for listing the petition for final hearing, out of turn and opposes this civil application for withdrawal of amounts.

5 The learned Advocate for the Petitioner submits, in the alternative, that the amount should be invested in a fixed deposit receipt in any nationalized bank at Aurangabad and after the petition is heard finally, the employee may withdraw the amount, if he succeeds.

6 I find that the Petitioner Sugar Factory has suffered the judgment of the Labour Court dated 27.01.2015 delivered under Section 33(C)(2) in Application (IDA) No.25/2012. The Labour Court has concluded that the workman is entitled to recover unpaid amounts towards wages and bonus from the Management.

7 Considering the above, I deem it appropriate to partly allow this Civil Application with the following directions :-

- (a) The Applicant is permitted to withdraw an amount of Rs.4.50 lac from this Court.
- (b) An application shall be filed by the Applicant for withdrawal of the above amount along with his recent photograph and

recent address proof, under the identification of the learned Advocate.

- (c) A copy of the PAN card or Election Commission's Voters Identity Card shall be submitted at the time of filing of the said application.
- (d) The Applicant shall also enter an affidavit-cum-undertaking stating therein that if the writ petition results in an adverse order, he shall redeposit the amount withdrawn, without interest, within six weeks in this Court.
- (e) After the above withdrawal, the remaining amount shall be invested by the Registrar in any nationalized Bank at Aurangabad for an initial period of three years.
- (e) Since old writ petitions lodged in 1991 and 1992 are being taken up for final hearing on every Thursday, this writ petition cannot be taken up for final hearing, out of turn. The litigating sides are, therefore, at liberty to renew their request for final hearing in June, 2020.
- (f) Considering that a fresh Demand Draft No.226775 dated 07.03.2018 for an amount of Rs.8,85,492/- has been credited in this Court, which is confirmed by Shri Barde, three earlier Demand Draft Nos.6322, 6323 and 6324, which have been returned to Shri Karpe by order dated 14.03.2018 in

Contempt Petition No.735/2017, may be presented by the Petitioner Sugar Factory in the concerned Bank for reversing the entry or for re-crediting the said amount in the account of the Sugar Factory.

kps

(RAVINDRA V. GHUGE, J.)