

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

**CIVIL APPLICATION No. 9737 of 2018 IN
WRIT PETITION NO. 286 of 2017**

Jagannath Shamrao Kale

... **Applicant.**

Versus

The Maharashtra State Co operative Bank Ltd
through its Assistant Manager and others

...**Respondents.**

WITH

**CIVIL APPLICATION NO. 1179 OF 2018 IN
WRIT PETITION NO. 278 OF 2017**

WITH

**CIVIL APPLICATION NO. 1180 OF 2018 IN
WRIT PETITION NO. 296 OF 2017**

WITH

**CIVIL APPLICATION NO. 9738 OF 2018 IN
WRIT PETITION NO. 283 OF 2017**

WITH

**CIVIL APPLICATION NO. 9739 OF 2018 IN
WRIT PETITION NO. 284 OF 2017**

WITH

**CIVIL APPLICATION NO. 9740 OF 2018 IN
WRIT PETITION NO. 299 OF 2017**

WITH

**CIVIL APPLICATION NO. 9741 OF 2018 IN
WRIT PETITION NO. 287 OF 2017**

WITH

**CIVIL APPLICATION NO. 9744 OF 2018 IN
WRIT PETITION NO. 288 OF 2017**

WITH

**CIVIL APPLICATION NO. 9748 OF 2018 IN
WRIT PETITION NO. 289 OF 2017**

WITH

**CIVIL APPLICATION NO. 9750 OF 2018 IN
WRIT PETITION NO. 279 OF 2017**

WITH

**CIVIL APPLICATION NO. 9753 OF 2018 IN
WRIT PETITION NO. 280 OF 2017**

WITH

**CIVIL APPLICATION NO. 9755 OF 2018 IN
WRIT PETITION NO. 281 OF 2017**

WITH
CIVIL APPLICATION NO.CA/9760/2018 IN
WRIT PETITION NO.282/2017
WITH
CIVIL APPLICATION NO.9764 OF 2018 IN
WRIT PETITION NO.290 OF 2017
WITH
CIVIL APPLICATION NO.9765 OF 2018 IN
WRIT PETITION NO.294 OF 2017
WITH
CIVIL APPLICATION NO. 9766 OF 2018 IN
WRIT PETITION NO.293 OF 2017
WITH
CIVIL APPLICATION NO.9767 OF 2018 IN
WRIT PETITION NO.291 OF 2017
WITH
CIVIL APPLICATION NO.9769 OF 2018 IN
WRIT PETITION NO.285 OF 2017
WITH
CIVIL APPLICATION NO.9771 OF 2018 IN
WRIT PETITION NO.300 OF 2017
WITH
CIVIL APPLICATION NO.9772 OF 2018 IN
WRIT PETITION NO.298 OF 2017
WITH
CIVIL APPLICATION NO.9773 OF 2018 IN
WRIT PETITION NO.295 OF 2017
WITH
CIVIL APPLICATION NO.9774 OF 2018 IN
WRIT PETITION NO.297 OF 2017

Mr Y. P. Deshmukh, Advocate for Applicant in all applications
except C.A. No.9755/2018 and 9737 of 2018

Mr G.B. Kingre, Advocate for applicants in C.A. No.9755/2018
and 9737 of 2018

Mr A.G. Kulkarni, Advocate for respondent No.1

Mr A.B. Kale, Adv, i./by Mr V.S. Deshmukh, Adv. for Respt. No.4

CORAM : SUNIL P. DESHMUKH, J.

DATE : 31st August, 2018

ORDER :

1. Heard learned counsel for the parties.

2. Learned counsel fairly refer to that writ petitions bearing No. 278 of 2017 and 296 of 2017 arising out of same judgment and order as concerned in present group of writ petitions have been admitted by this court and are pending final hearing. In two of those matters, civil applications bearing No. 1179 of 2018 and 1180 of 2018, respectively, had been moved by workmen for withdrawal of amount and the same have been granted by this court under order dated 29th June, 2018. Learned counsel for applicants submit that applicants are similarly situated as applicants in Civil Applications No. 1179 of 2018 and 1180 of 2018 in Writ Petitions bearing No. 278 of 2017 and 296 of 2017, respectively.

3. The applicants in all present civil applications pray for withdrawal of their 1/23rd share each, in the amount deposited by the bank in this court pursuant to award passed by the Industrial Court. The learned counsel for applicants submit that applicants are in economically very bad condition and require amount in right earnest. Learned counsel further advert to paragraph No.6 of order dated 29th June 2018 in aforesaid matters and requests for similar order in these matters.

4. Learned counsel for respondent No.1 – bank, however, stiffly opposes submitting that the civil applications were

preferred in said writ petitions, were admitted petitions but entitlement of applicants as yet is not final. He further purports to make submissions on merits stating that the bank cannot be held liable for workers' dues from the sugar factory.

5. However, on the ground of parity, it appears to be expedient to give similar treatment to present applicants since applicants claim to be workmen and contend that they are out of employment and economically in bad condition. In view of the same, it would be expedient to grant applications for withdrawal of amount to the extent of Rs. 1,00,000/- (Rs. One lac only), as allowed by this Court under order dated 29th June 2018 on similar terms and conditions as contained in paragraph No. 6 thereof.

6. As such, the applications are allowed. Applicants are allowed to withdraw sum of Rs. 1,00,000/- (Rs. One lac only) as permitted by this court under order dated 29th June 2018 in Civil Application No. 1179 of 2018 in writ petition No. 278 of 2017 and in Civil Application No. 1180 of 2018 in Writ Petition No. 296 of 2017 on similar terms and conditions as contained in paragraph No. 6 thereof.

**(SUNIL P. DESHMUKH)
JUDGE.**