

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

CIVIL APPLICATION NO. 13256 OF 2018  
IN WP/4812/2018

PUNDLIK KONDIBA PACHPINDE AND OTHERS  
VERSUS  
THE SUPERINTENDING ENGINEER THE MAHARASHTRA ELECTRICITY  
DISTRIBUTION COMPANY LIMITED

...  
Advocate for the Applicants : Shri Kulkarni Girish N. (Mardikar)  
Advocate for the Respondent : Shri U S Malte.

...

**CORAM: RAVINDRA V. GHUGE, J.**

**DATE :- 26<sup>th</sup> October, 2018**

**Per Court:**

1           The Applicants, who pray for withdrawal of amounts, are the original claimants before the Labour Court under Section 33(C)(2) of the Industrial Disputes Act, 1947 in Application (IDA) No.41/2012. By the judgment of the Labour Court dated 30.06.2017, the Applicants are held entitled for unpaid amounts.

2           In Writ Petition No.4812/2018, this Court had heard the learned Advocate for the Petitioner/ Management on 25.07.2018 and on the condition of depositing the entire award amounts in the Court, the impugned order was stayed.

3           The learned Advocate for the Petitioner/ Management

submits that the claims of the Applicants were opposed as there is no pre-existing right. The Labour Court has exceeded its jurisdiction under Section 33(C)(2). The impugned judgment of the Labour Court is perverse and erroneous. These Applicants have now superannuated and it would be difficult to recover the amounts from them, if they are permitted to withdraw the amounts.

4           The learned Advocate for the Applicants submits that their claims before the Labour Court have been sustained on the basis of their service conditions. As it was proved that they had worked overtime, overtime wages were to be paid. Therefore, the Labour Court realized that these Applicants have a right to recover the said amounts as the Management has not paid the said overtime wages.

5           Considering the above, this Civil Application is partly allowed on the following conditions :-

- (a) Each of the Applicants is permitted to withdraw 50% of the respective amounts deposited in this Court.
- (b) Each of the Applicants shall file an application 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 by each of the Applicants at

the time of filing of the said application.

- (d) Each of 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) The remaining amounts of 50% shall be invested by the Registrar in any nationalized Bank at Aurangabad for an initial period of three years.
- (f) Since the Writ Petition is yet to be admitted, list the writ petition for admission in February, 2019.