

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 13646/2017 IN WP/3273/2002
WITH
CIVIL APPLICATION NO. 13647/2017 IN WP/3451/2002
WITH
CIVIL APPLICATION NO. 15065 OF 2017 IN WP/3273/2002

THE MARATHWADA SARVA SHRAMIK SANGHATANA
VERSUS
THE DIVISIONAL SEED CERTIFICATION OFFICER, PARBHANI

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Advocates for Applicants : S/Shri Shelke A.S. & Kokad A.A.
Advocate for Respondent : Shri Malte U.S.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: January 24, 2018

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PER COURT :-

1. In all these three Civil Applications, the Union in the first two applications and an individual worker in the third application seek leave to withdraw the compensation amount as per the formula directed by this Court vide judgment dated 21.10.2015 and which has been accepted by the non-applicant establishment.

2. In the first Civil Application the L.Rs. of the deceased Ramrao Shripatrao, Kantabai Sonaji, Prayagbai Narhari and Gangadhar Tukaram are mentioned in paragraph No.10.

3. Shri Shelke, learned Advocate for the applicants in the first

and second civil application submits that the Union is seeking withdrawal of the amount on behalf of the L.Rs. mentioned in paragraph No.10 of the second Civil Application. The amounts payable to deceased Umrao Marotrao Kute and Smt. Chandrasanabai Sakharam Sutare are mentioned in the chart at page 22 in Civil Application No.13647 of 2017. As such, the L.R. of deceased Umrao as well as the L.Rs. of deceased Chandrasanabai would withdraw Rs.65,000/- each. Similar statements are made in the first application.

4. Though Shri Malte confirms the compensation in the case of the first and second Civil Application, he points out that the date of birth as canvassed by the third applicant Uttam Madhavrao Hake is 18.7.1951, his remaining service would be only three years and he would be entitled for compensation of Rs.40,000/- and not 65,000/-.

5. Considering the above, the Civil Applications are allowed by permitting the applicants to produce the said charts before the concerned department of this Court for withdrawal of amounts. The Nazir Section of this Court shall consider the charts and in the light of the above observations would permit the L.Rs. of the deceased to withdraw the compensation amount as per the chart in the light of

the directions set out in paragraph Nos.13 to 19 of the judgment dated 21.10.2015 and after due compliance of the procedure as is normally followed.

6. In the third Civil Application - Uttam Madhavrao Hake would be permitted to withdraw Rs.40,000/- as compensation.

7. It is clarified that in so far as the compensation to the L.Rs. of deceased is concerned, if the widow / widower is available, compensation amount can be handed over to her / him and in the case of no widow / widower available, to the eldest person amongst the L.Rs. with no objection of the other L.Rs. It is further made clear that in the event of any dispute after withdrawal of the amount, amongst the L.Rs. or anybody claiming to be the L.Rs., the respondent / establishment shall stand indemnified by those persons, who have withdrawn the amount or the Trade Union representing their cause.

(RAVINDRA V. GHUGE, J.)

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