

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 886 OF 2017

IN

WRIT PETITION NO. 63 OF 2016

NIRUPA C. UDAIKAR.,

... Applicant

Versus

THE GOA POSTAL EMPLOYEES CO-OP.
CREDIT SOCIETY LTD., REP. BY
SECRETARY, RAMNATH G. NAIK AND 2
ORS.,

... Respondents

Shri Jagannath Jayant Mulgaonkar, Advocate for the applicant.
Shri S. Gaonkar, Advocate for the respondent no.1.

Coram:- C. V. BHADANG, J.

Date:- 20th February 2018

P.C.

This is an application for withdrawal of the amount deposited before this Court towards back wages. By an order dated 05/05/2016, the respondent no.1 was directed to deposit the amount, which according to the petitioner, is the undisputed amount towards back wages, payable to the applicant. In pursuance of this order, the respondent no.1 has deposited an amount of Rs.4,50,000/- before this Court, which is sought to be withdrawn by the applicant.

2. I have heard the learned Counsel for the parties.

3. Shri Gaonkar, the learned Counsel for the respondent no.1 now submits that the undisputed amount is 4,20,000/-, while the

learned Counsel for the applicant claims that it is much higher than Rs.4,50,000/-. In any event, after the petition, challenging the order of reinstatement, is dismissed and that order having attained finality, this Court cannot go into the disputed question that too in an application filed in a disposed of petition. The fact remains that the respondent no.1 was asked to deposit an amount, which according to the respondent no.1, is undisputed amount and it is in pursuance thereof that the amount of Rs.4,50,000/- is deposited. In such circumstances, I see no reason not to allow the applicant to withdraw the amount. For this reason, the application is allowed. The amount deposited before this Court shall be paid to the applicant along with interest, if any.

4. The application is disposed of.

C. V. BHADANG, J.

SMA