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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL No. 235 OF 2018
WITH
CIVIL APPLICATION No. 2376 OF 2018

The Executive Engineer, MSEDCL ... Appellant
Vs.
Rajaram Shankar Sutar & Anr. ... Respondents

Mrs. Anjali R. Shiledar Baxi, for the Appellant and for
Respondent in CAF. 2376/2018.

Mr. Dilip Bodake, for the Respondent Nos. 1 and 2 in the appeal
and for Applicant in CAF. 2376/2018.

CORAM : V. M. DESHPANDE, J.

DATE : JULY 13, 2018

PC :-

FIRST APPEAL No. 235 OF 2018

1. Heard the learned counsel for the Appellant. Appeal is
admitted on the following question of law:

Can it be said that deceased was an employee of the
employee of the Appellant, merely because he was
allowed to do a particular work, as directed by the
wireman, who was not authorised to employ any
person?

2. Call for records and proceedings.

Civil Application No. 2376 of 2018

3. This is an application filed on behalf of the parents of the deceased for withdrawal of the amount. Admittedly, according to the learned counsel for the Applicants / original claimants, deceased was unmarried person. Today, this Court has admitted the appeal filed on behalf of the Appellant / non-applicant challenging the judgment and award dated 20.5.2015 passed by the Labour Judge, Satara in WCA No. 4/ C-2 of 2014, directing the respondents therein to pay jointly and severally to the applicants / claimants Rs. 8,67,640/- alongwith interest @ 12% per annum.

4. Today this court admitted the appeal. Learned counsel for the Appellant MSEDCL states that the amount as directed by the court below has already been deposited. In that view of the matter, in the interest of justice, following order is passed:

(i) The applicants / original claimants are entitled to

withdraw 50% of the amount deposited by the Appellant MSEDCL in the trial court, on their giving undertaking to the court below that in the event Appellant succeeds in the appeal, they will refund the amount alongwith interest, that may be determined by the Court at that time within two years from the date of judgment in the appeal.

- (ii) Learned trial court is directed to invest the remaining 50% amount in any nationalised bank, initially for a period of three years and continue to renew the same as and when occasion arises.
- (iii) Civil Application No. 2376 of 2018 is partly allowed and disposed of in the aforesaid terms.

Sd/-
[V. M. DESHPANDE, J.]

Vinayak Halemath