

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

905. WRIT PETITION NO. 4381 OF 1999

Municipal Council, Parali Vaijnath
through its Chief Officer
at post Parali Vaijnath District Beed

...Petitioner

VERSUS

Vishweshwar S/o Vaijanath Dube,
age 35 years occupation driver
R/o Parali (Pethe Galli) Dist. Beed

...Respondent

*Mr. V.V. Bhavthankar, Advocate for petitioner.
Mr. S.V. Warad, Advocate for respondent.*

CORAM : RAVINDRA V. GHUGE, J.

DATE : 27th June, 2019

ORAL JUDGMENT:

1. The petitioner-Municipal Council was aggrieved by the judgment and award dated 23rd February, 1998 delivered by the Labour Court, Aurangabad, by which, reference I.D.A. No. 120 of 1989 was answered in the affirmative, termination of the respondent was set aside and he was granted re-instatement with continuity of service and full back-wages. This Court denied interim relief to the petitioner while admitting the petition on 6th April, 1999. On 7th September, 2007, Rule on interim relief was discharged and no relief was granted by the order of this Court.

2. The learned Advocate for the respondent-employee submits that he has been reinstated in service on 2nd June, 2000 and has been working peacefully ever since. The petitioner had moved Civil Application No. 3733 of 2011 in this Court, which was disposed of by order dated 4th May, 2011 directing the petitioner to deposit an amount of Rs. 3,00,000/- . This Court permitted the respondent to withdraw Rs. 50,000/- by order dated 30th September, 2011 passed in Civil Application No. 10334 of 2011.

3. Considering the order passed by this Court on 4th May, 2011, the respondent instituted a proceeding under Section 33(C) (2) of the Industrial Disputes Act, 1947 and succeeded in obtaining a Revenue Recovery Certificate for an amount of Rs. 13,31,523/- with interest. The said order of the Labour Court was challenged by the petitioner in Writ Petition No. 11693 of 2010, which was rejected by this Court on 13th January, 2011.

4. In view of the above, this petition is disposed off.

5. Rule is discharged.

6. The respondent is at liberty to withdraw the remaining amount of Rs. 2,50,000/- (Rs. Two lacs fifty thousand only) alongwith accrued interest from this Court. He shall place on record his latest photograph, present address proof, copy of the 'Adhar' card and a copy of his Election Commission's Voter Card,

at the time of withdrawal of the amount. The said amount withdrawn and an earlier amount of Rs. 50,000/- (Rs. fifty thousand only), shall be adjusted against the Revenue Recovery Certificate amount.

**(RAVINDRA V. GHUGE)
JUDGE**

Madkar