

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

905 CIVIL APPLICATION NO.10342 OF 2017
IN WP/871/2017

VIJAY PUNJAJI AVHAD
VERSUS
THE MAHARASHTRA ROAD TRANSPORT CORPORATION

...
Advocate for Applicant : Shri Deshmukh P. G. h/f Shri Deshmukh Y.P.
Advocate for Respondent : Shri Goyanka M.K.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: July 11, 2019
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PER COURT :-

1. I have heard the extensive submissions of the learned Advocates for the respective sides. Issue is as regards the request of the applicant / employee for withdrawing the amount deposited by the Corporation in this Court.

2. The learned Advocate for the applicant submits that he is about 74 years of age and is suffering from a grave illness, requiring specialized treatment. His medical bills are enormous and he has to pay the medical bills, failing which, he may not be able to get necessary treatment which would be life threatening.

3. The learned Advocate for the MSRTC submits that an amount of Rs.1,79,721/- towards gratuity has already been withdrawn by the

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employee. As he does not agree with the quantum decided by the competent authority under the Payment of Gratuity Act, Writ Petition No.1120 of 2015 filed by him is still pending in this Court.

4. Considering the above, I find it appropriate to permit the applicant / employee to withdraw an amount of Rs.3,50,000/- from this Court by tending an affidavit / undertaking along with the application for withdrawal stating that if it is ultimately held that he was not entitled for the amount withdrawn, he or his legal heirs or assignees would be liable to redeposit the excess amount in this Court, within six weeks from the date of such an adverse order.

5. This civil application is, therefore, partly allowed and the applicant is permitted to withdraw Rs.3,50,000/- subject to the above directions.

6. List the Writ Petition No.871 of 2017 along with Writ Petition No.1120 of 2015 for a final hearing at admission stage on 7.8.2019.

(RAVINDRA V. GHUGE, J.)

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