

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.9679 OF 2018
(Prashant s/o Nago Badgujar Vs. Sant Dnyaneshwar Shikshan
Mandal and others)
IN WRIT PETITION NO.11921 OF 2014

Mr.V.P.Patil, Advocate for the applicant.
Ms.S.P.Mahajan, Advocate for respondent Nos. 1 and 2.
Mr.N.T.Bhagat, AGP for respondent No.3.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 29/03/2019

PER COURT :

1. By this application, the applicant prays for withdrawal of the amount deposited by the petitioner/Management towards back wages. It is stated that neither has the Management reinstated the applicant, nor is the Management paying wages to him. He is rendered to starvation on account of the conduct of the Management.

2. Learned Advocate Ms.Mahajan has strenuously opposed this application by placing reliance upon the affidavit in reply. It is pointed out that the applicant is avoiding reinstatement and is not reporting for duties. He submitted an application to the Hon'ble Chief Minister praying for reinstatement. Threats of agitation are

also being held out against the Management and a picture is being created that he is deliberately deprived of reinstatement and regular work.

3. I find from the order passed in the writ petition that the back wages have been deposited. The interim relief was vacated since the employee was not reinstated in service.

4. Considering the above and the fact that the petition lodged in 2014 may not be heard within a short period of time or out of turn, it would be appropriate to allow the applicant to withdraw a portion of the back wages subject to an affidavit undertaking.

5. The applicant submits that the amount deposited in this Court is a deficient amount. Learned Advocate for the Management submits that said amount has been properly calculated.

6. In view of the above, this civil application is partly allowed. Out of the amount of Rs.5,71,277/- deposited by the Management, the applicant is granted liberty to withdraw an amount of Rs.3,50,000/-. An affidavit undertaking would be filed alongwith the application for withdrawal, stating that the applicant would

deposit the entire amount in this Court, within 6 weeks, if he suffers an adverse order in the writ petition. This amount, would not carry interest. However, if it is not deposited within 6 weeks, the said amount will carry interest @ 6% from the date of the judgment/order of this Court in the writ petition.

7. The issue as regards deficient back wages having been deposited, would be considered on the next date with WP No.11921/2014. List the petition for hearing on 25/04/2019.

(Ravindra V.Ghuge, J.)