

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

**CIVIL APPLICATION NO. 8128 OF 2019 IN
WRIT PETITION NO. 5049 OF 2017**

**RAJU YASHWANT GAJBHIV
VERSUS
HEAD MASTER AND SECRETARY OF THE SCHOOL
COMMITTEE SAINT XAVIERS H.S. GEORAI AND ANOTHER**

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Advocate for the Applicant : Shri M. S. Indani
Advocate for the Respondents : Shri R. J. Godbole

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CORAM : RAVINDRA V. GHUGE, J.

DATED : 16th AUGUST, 2019.

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PER COURT :

1. The applicant/original respondent No.1 in the petition is an employee, who is praying for withdrawing of the amount deposited by the School Management in this Court towards his wages. He submits that he is not able to draw his salary since this Court has stayed the judgment of the Tribunal on the condition that the salary of the said employee from the date of the judgment shall be deposited in this Court.

2. The learned Advocate for the Management has strenuously opposed the Civil Application. He submits that the petition will have to be heard. The impugned order of the

Tribunal is almost kept in abeyance with a direction from this Court that there shall be no steps to seek its execution.

3. In view of the above, I deem it appropriate to permit the applicant to withdraw an amount of Rs. 1,25,000/- (Rupees One Lakh Twenty Five Thousand only) out of the amount of Rs. 1,40,062/- (Rupees One Lakh Forty Thousand and Sixty Two only) deposited by the Management in this Court.

4. An affidavit undertaking shall be filed in this Court while withdrawing the said amount, stating clearly that if the impugned judgment of the Tribunal is set aside or if an adverse order is passed against the employee, he shall deposit the withdrawn amount in this Court, within SIX WEEKS.

5. A copy of his identity proof in the nature of an Election Commission Voter's ID Card, his present address proof and his recent photograph shall also be tendered while seeking withdrawal of the amount.

(RAVINDRA V. GHUGE, J.)

shp/-