

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

(1) CIVIL APPLICATION NO.8823 OF 2019 IN
WRIT PETITION NO.5907 OF 2016

Gabaru Jemala Pawar

Applicant

Versus

The Maharashtra State Co-operative Bank Ltd.
& others

Respondents

WITH

(2) CIVIL APPLICATION NO.8824 OF 2019 IN
WRIT PETITION NO.5916 OF 2016

Baburao Dagduba Jumbad & others

Applicants

Versus

The Maharashtra State Co-operative Bank Ltd.
& others

Respondents

WITH

(3) CIVIL APPLICATION NO.8834 OF 2019 IN
WRIT PETITION NO.5917 OF 2016

Dhanaji Mansing Nunsawant & others

Applicants

Versus

The Maharashtra State Co-operative Bank Ltd.
and others

Respondents

WITH

(4) CIVIL APPLICATION NO.8838 OF 2019 IN
WRIT PETITION NO.5918 OF 2016

Sopan Bhimrao Jadhav & others

Applicants

Versus

The Maharashtra State Co-operative Bank Ltd.
and others

Respondents

WITH
(5) CIVIL APPLICATION NO.8840 OF 2019 IN
WRIT PETITION NO.5923 OF 2016

Madhukar Raosaheb Wadekar

Applicant

Versus

The Maharashtra State Co-operative Bank Ltd.
and others

Respondents

WITH
(6) CIVIL APPLICATION NO.8855 OF 2019 IN
WRIT PETITION NO.5910 OF 2016

Kaisarmiya Abdul Karim

Applicant

Versus

The Maharashtra State Co-operative Bank Ltd.
and others

Respondents

WITH
(7) CIVIL APPLICATION NO.8859 OF 2019 IN
WRIT PETITION NO.5906 OF 2016

Vishnu Jija Ghule

Applicant

Versus

The Maharashtra State Co-operative Bank Ltd.
and others

Respondents

WITH
(8) CIVIL APPLICATION NO.8860 OF 2019 IN
WRIT PETITION NO.5920 OF 2016

Bhagwan Shankarrao Dhere

Applicant

Versus

The Maharashtra State Co-operative Bank Ltd.
and others

Respondents

WITH

(9) CIVIL APPLICATION NO.8861 OF 2019 IN
WRIT PETITION NO.5905 OF 2016

Ashok Shankarrao Deshmukh

Applicant

Versus

The Maharashtra State Co-operative Bank Ltd.
and others

Respondents

WITH

(10) CIVIL APPLICATION NO.8862 OF 2019 IN
WRIT PETITION NO.5921 OF 2016

Bhaskar Devidas Kale

Applicant

Versus

The Maharashtra State Co-operative Bank Ltd.
and others

Respondents

WITH

(11) CIVIL APPLICATION NO.8863 OF 2019 IN
WRIT PETITION NO.5908 OF 2016

Sakharam Raosaheb Pawar

Applicant

Versus

The Maharashtra State Co-operative Bank Ltd.
and others

Respondents

WITH

(12) CIVIL APPLICATION NO.8864 OF 2019 IN
WRIT PETITION NO.5901 OF 2016

Ramprasad Natha Shejul

Applicant

Versus

The Maharashtra State Co-operative Bank Ltd.
and others Respondents

WITH
(13) CIVIL APPLICATION NO.8865 OF 2019 IN
WRIT PETITION NO.5902 OF 2016

Bapurao Sitaram Sose Applicant

Versus

The Maharashtra State Co-operative Bank Ltd.
and others Respondents

WITH
(14) CIVIL APPLICATION NO. 8866 OF 2019 IN
WRIT PETITION NO. 5924 OF 2016

Dnyaneshwar Jija Devde Applicant

Versus

The Maharashtra State Co-operative Bank Ltd.
& others Respondents

WITH
(15) CIVIL APPLICATION NO. 8867 of 2019 IN
WRIT PETITION NO. 5919 OF 2016

Madhukar Harischanra Ekhanade Applicant

Versus

The Maharashtra State Co-operative Bank Ltd.
& others Respondents

WITH
(16) CIVIL APPLICATION NO. 8868 OF 2019 IN
WRIT PETITION NO. 5904 OF 2016

Devidas Kondibhau Kawle

Applicant

Versus

The Maharashtra State Co-operative Bank Ltd.
& others

Respondents

WITH

(17) CIVIL APPLICATION NO. 8869 OF 2019 IN
WRIT PETITION NO. 5900 OF 2016

Murlidhar Harlal Pawar
& others

Applicants

Versus

The Maharashtra State Co-operative Bank Ltd.
& others

Respondents

WITH

(18) CIVIL APPLICATION NO. 8884 OF 2019 IN
WRIT PETITION NO. 5912 OF 2016

Tukaram Sakharam Khandebharad

Applicant

Versus

The Maharashtra State Co-operative Bank Ltd.
& others

Respondents

WITH

(19) CIVIL APPLICATION NO. 8886 OF 2019 IN
WRIT PETITION NO. 5914 OF 2016

Vishnu Sitaram More
& others

Applicants

Versus

The Maharashtra State Co-operative Bank Ltd.
& others

Respondents

WITH
(20) CIVIL APPLICATION NO. 8889 OF 2019 IN
WRIT PETITION NO. 5909 OF 2016

Chandrakant Devrao Wakhre

Applicant

Versus

The Maharashtra State Co-operative Bank Ltd.
& others

Respondents

WITH
(21) CIVIL APPLICATION NO. 8891 OF 2019 IN
WRIT PETITION NO. 5913 OF 2016

Atmaram Shankarrao Dongre

Applicant

Versus

The Maharashtra State Co-operative Bank Ltd.
& others

Respondents

Mr.Y.P.Deshmukh, advocate for the applicants.
Mr.A.G.Kulkarni advocate for Respondent No.1.

CORAM : RAVINDRA V. GHUGE, J.

DATE : 26th August, 2019

PER COURT:

1 In all these matters, Respondents No.2 and 3 were served by paper publication in the writ petition. Despite service of notice through paper publication, Respondents No.2 and 3 have chosen to remain absent. Nonetheless, the issue is as regards Respondent No.1 herein having deposited certain amounts in this Court and the applicants seek withdrawal of the said amounts.

2 I have heard the submissions of the learned advocates for the respective sides.

3 In the connected proceedings, similar amounts were deposited in this Court and the proportionate entitlement of the workers involved in those matters was about Rs.1,30,000/- (Rs. One lakh Thirty Thousand), out of which, the workers were allowed to withdraw an amount of Rs.1,00,000/- (Rs. One lakh) each under conditions and the remaining amount of Rs.30,000/- (Thirty Thousand) per worker was directed to be deposited in Fixed Deposit Receipt. In the instant case, the same Respondent No.1 has deposited the amount, as directed. The proportionate entitlement of these applicants-workers would be about Rs.2,00,000/- (Rs. Two lakhs) per worker. By order dated 29.06.2018, passed in similar Civil Applications, this Court has allowed these applicants-workers to withdraw an amount of Rs.1,00,000/- (Rs. One lakh) under conditions.

4 The total amount, as granted by the Industrial Court to these workers towards unpaid wages, is about Rs.6,00,000/- (Rs. Six lakhs) per worker. Respondent No.1 has deposited about Rs.2,00,000/- (Rs. Two lakhs) per worker. Considering the

judgment of the Industrial Court, which is under challenge in the writ petitions, technically, an amount of Rs.4,00,000/- (Rs. Four lakhs) per worker is yet to be deposited by Respondent No.1.

5 The learned advocate for the applicants submits that these are such workers who have lost their employment. Having succeeded before the Industrial Court, vide the impugned judgment in December 2015, the matters are pending in this Court and one offshoot of the litigation is pending before the Hon'ble Apex Court.

6 Though the parties are willing to work out the petitions finally, they concede that the final hearing at the admission stage would not be possible since certain SLPs are pending before the Hon'ble Apex Court.

7 In view of the above, these applications are partly allowed. These applicants are permitted to withdraw an amount of Rs.50,000/- (Rs. Fifty thousand) only on the same conditions, as are set out in paragraph no.6 of the order of this Court dated 29.06.2018 delivered in Civil Application No.1179 of 2018 in Writ Petition No.278 of 2017. Upon compliance of the said directions,

these applicants would individually withdraw an amount of Rs.50,000/- (Rs. Fifty thousand) only. The remaining amount shall be kept in Fixed Deposit Receipts until the writ petitions are considered finally and these applicants would now be precluded from withdrawing any portion of the remaining amount of Rs.50,000/- (Rs. Fifty thousand).

RAVINDRA V. GHUGE
JUDGE

adb/