

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

CIVIL APPLICATION NO.11632 OF 2019
IN CA/2536/2019

VAISHALI DATTATRAYA DHAWALE
VERSUS
THE SECRETARY ROKDESHWAR SHIKSHAN SANSTHA AND OTHERS

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Advocate for the Applicant / original respondent no.2 : Patil Milind M.
(Beedkar)

Advocate for the original petitioners : Shri Y.V.Kakade
AGP for the Respondent/ State : Shri S.R.Yadav

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CORAM: RAVINDRA V. GHUGE, J.
DATE :- 27th September, 2019

Per Court:

1 This Civil Application No.11632/2019 is filed for seeking withdrawal of the amount towards unpaid wages that have been deposited in this court.

2 I have considered the submissions of the learned advocates for the respective sides. It is undisputed that the judgment of the School Tribunal dated 24.11.2010 granting reliefs to the applicant/ employee has attained finality and there is no challenge to the said judgment. The writ petition arises out of the interlocutory order passed by the Executing Court. The amount deposited in this court is towards unpaid wages of the employee/ original appellant before the School Tribunal.

3 The learned advocate for the original petitioners/

management has strenuously opposed this application. I find his contention to be unsustainable in view of the fact that the judgment in favour of the employee granting reinstatement in service with continuity, is unchallenged and has attained finality. As the employee committed suicide, his legal heirs preferred the execution proceedings.

4 In my view, the widow of the employee is bound to succeed at least to the extent of the payment of back wages and wages till the date of the death of the employee. The said amount, according to the learned advocate for the applicant, would be much higher than the amount that is deposited. The widow and legal heirs are without income on account of the death of the husband. Children are minor and taking education in the school.

5 In view of the above, this Civil Application No.11632/2019 is allowed. The applicant is permitted to withdraw the amount of Rs.5 lac with accrued interest, if any, and such withdrawal shall be subject to the result of the execution proceedings. The applicant would withdraw the said amount by tendering her recent photograph, latest permanent address proof and copy of her identity card issued by the Election Commission of India or the Adhaar Card issued by the Unique Identification Authority of India.