

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.13387 OF 2019
IN WP/10934/2018

SANTOSH KISANRAO PAWAR
VERSUS
M/S SHRAYU TOYATA SHRAYU AUTOLINKS PVT LTD

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Advocate for Applicant : Shri More Ashok A.
Advocate for Respondents : Shri Patil Vikram h/f Shri Salunke V.D.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: November 15, 2019

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PER COURT :-

1. The learned Advocate for the applicant submits that the respondent / Management, which is the original petitioner, has deposited the backwages in this Court, which is an amount of Rs.7,15,000/-. The applicant had succeeded before the Labour Court as well as the Industrial Court. He was without a source of income from 13.9.2015. He was dismissed from service orally on 13.9.2015. After his reinstatement on 15.10.2018, he is being paid his monthly salary at the rate of Rs.12,000/- P.M. in comparison to his contemporary colleagues with comparable service age being paid about Rs.25,000/- per month.

2. The learned Advocate for the respondent / management has strenuously opposed this application. It is submitted that the petition is still pending and whether the employee has to be paid monthly salary,

on parity with other comparable coworkers, can be considered in the Writ Petition. It is submitted that this application be rejected and the applicant should not be permitted to withdraw any amount.

3. I have considered the grounds set out in the Civil Application and I have perused the order dated 29.9.2018 passed by this Court, which deals with the submissions of the management in the Writ Petition.

4. Considering that the applicant was kept out of employment for more than three years and today is being paid paltry monthly wages at the rate of Rs.12,000/- per month, I deem it appropriate to partly allow this application with the following directions:-

(A) The applicant is permitted to withdraw an amount of Rs.5,00,000/- .

(B) The applicant shall file an application duly identified by an Advocate, along with his recent photograph, present address proof, cell phone number and a copy of his election voters card.

(C) An affidavit undertaking shall be filed by the applicant declaring that he will redeposit that portion of the withdrawn amount, to which he is ultimately held to be dis-entitled at the time of deciding the Writ Petition. Such amount would be redeposited within eight weeks from the date of the judgment in the Writ Petition.

(D) If the Writ Petition is not finally heard within one year from today, the applicant would be at liberty to raise the issue of 'Equal wages for equal work' by filing a Civil Application or seek withdrawal of the remaining amount.

(E) The remainder amount of Rs.2,15,000/- shall be invested by the Registry in a Fixed Deposit in a Nationalized Bank at Aurangabad for an initial period of one year and renewable thereafter for the same term, subject to the above.

(RAVINDRA V. GHUGE, J.)

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