

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.9244 OF 2019
IN WP/8526/2011
WITH WP/8528/2011
WITH CA/1730/2014 IN WP/8528/2011
WITH CA/1729/2014 IN WP/8526/2011
WITH CA/1730/2014 IN WP/8528/2011

ASHOK GANGADHAR MATE
VERSUS
JALGAON JANTA SAHAKARI BANK LTD.

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Advocate for Applicant : Shri S.N.Suryawanshi
Advocate for Respondent : Shri A.N.Nagargoje

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CORAM : RAVINDRA V. GHUGE, J.
Dated: October 22, 2019
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PER COURT :-

1. This application is filed by the sole respondent Ashok Gangadhar Mate. It is prayed that he be permitted to withdraw Rs.5,83,256/- with interest which is towards his back wages. It is also prayed that the residual un-deposited amount may also be directed to be deposited in this Court.

2. The learned Advocate for the petitioner Management in both these petitions, has vehemently opposed the request. He submits that the applicant has already withdrawn Rs. Nine Lakhs. This application be rejected.

3. In the light of the submissions of the learned Advocate for the employee, I have gone through the earlier orders passed by this Court on 23.1.2014, 3.2.2015 and 10.6.2016. I have also gone through the order dated 20.3.2018 passed by the learned Division Bench in Writ petition No.3890 of 2017.

4. Having considered the submissions and having noticed from the record that the applicant has withdrawn an amount of Rs.9,00,000/- out of the deposited amount, previously, I am entertaining this application only to the extent of permitting the applicant to withdraw Rs.1,00,000/- subject to an affidavit / undertaking to the Court.

5. This Civil Application is, therefore, partly allowed. The applicant is permitted to withdraw Rs.1,00,000/- from this Court by tendering an affidavit / undertaking that if he suffers an adverse order in the pending Writ Petition, he would redeposit that amount to which he is held to be dis-entitled, within six weeks from the date of the adverse order, failing which the amount would carry interest at the rate of 3% p.a. from the date of withdrawal of the amount.

6. The remaining deposited amount shall not be invested in a fixed deposit with the Nationalized Bank and the applicant would be precluded from withdrawing any further amount till the petition is

finally decided.

7. Present Writ Petition along with Writ Petition No. 8528 of 2011 with Writ Petition No.8526 of 2011 be listed for final hearing in the Weekly Final Hearing board commencing from 9.6.2020.

(RAVINDRA V. GHUGE, J.)

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akl/d