

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

**CIVIL APPLICATION NO.11715 OF 2019 IN
WRIT PETITION NO. 5903 OF 2016**

**DNYANDEV KANHUJI VEER
VERSUS
THE MAHARASHTRA STATE CO OPERATIVE BANK LTD
THROUGH ITS ASST. MANAGER AND ANOTHER**

**WITH
972 CIVIL APPLICATION NO.11719 OF 2019 IN
WRIT PETITION NO. 5922 OF 2016**

**BABURAO PANDURANG KALE
VERSUS
THE MAHARASHTRA STATE CO OPERATIVE BANK LTD
THROUGH ITS ASSTT. MANAGER AND ANOTHER**

**WITH
973 CIVIL APPLICATION NO.11721 OF 2019 IN
WRIT PETITION NO. 5915 OF 2016**

**ASHOK GOPALA WAGHMARE
VERSUS
THE MAHARASHTRA STATE CO OPERATIVE BANK LTD
THROUGH ITS ASST MANAGER AND ANOTHER**

**AND
974 CIVIL APPLICATION NO.11728 OF 2019 IN
WRIT PETITION NO. 5911 OF 2016**

**KASHINATH HARI PAWAR
VERSUS
THE MAHARASHTRA STATE CO OPERATIVE BANK LTD
THROUGH ITS ASST MANAGER AND ANOTHER**

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Advocate for the Applicants : Shri S. B. Kadu
Advocate for Respondent No.1 : Shri P. G. Badhe h/f.
Shri A. G. Kulkarni

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CORAM : RAVINDRA V. GHUGE, J.

DATED : 27th SEPTEMBER, 2019.

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PER COURT :

1. The applicants submit that they are identically placed workmen as like the applicants in Civil Application No. 8823/2019 in Writ Petition No. 5907/2016 and connected matters wherein this Court has passed an order on 26/08/2019. Earlier, these applicants were permitted to withdraw Rs. 1,00,000/- out of the deposited amount of Rs. 2,00,000/- by an earlier order. Pursuant to the order dated 26/08/2019, similarly situated applicants have been allowed to further withdraw Rs. 50,000/-.

2. The learned Advocate for the respondent has strenuously opposed this application notwithstanding the fact that two orders have been passed earlier permitting these workers to withdraw the amounts.

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 applicant 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 invested 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, J.)

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