

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.5027 OF 2019
(The Jalna District Central Co.op.Bank Limited and another Vs.
Umesh Nansaheb Kawade)

IN
WRIT PETITION NO.7241 OF 2006

Mr.M.H.Shaikh h/f Mr.V.R.Dhorde, Advocate for the applicants.
Mr.A.N.Nagargoje, Advocate for the respondent.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 26/04/2019

PER COURT :

1. The applicant/Bank seeks leave to deposit an amount of Rs.1,30,000/- as was directed by this Court by order dated 11/01/2007 in WP No.7241/2006.

2. I have heard the learned Advocates for the respective sides.

3. The respondent / employee had succeeded before the Industrial Court in Complaint (ULP) No.19/2005, by which the Bank was directed to deposit 80% of the amount of Rs.1,73,115/- alongwith 12% interest. The Bank approached the Appeal Bench of this Court and on 09/02/2007, the employee was restrained from seeking execution of the order. After about 1 year, the LPA Bench

stayed the direction to deposit the amount, on 22/01/2008. Finally, the Appeal Bench delivered a judgment on 24/01/2018 and dismissed the appeal. The Hon'ble Supreme Court dismissed the SLP on 07/09/2018. The DD shown to the Court is dated 13/12/2018, which has already expired.

4. Learned Advocate for the employee submits that this Court (Coram : B.R.Gavai, J.) had directed the applicant to deposit Rs.1,30,000/- within 4 (four) weeks. The said amount, with accrued interest would be almost 3 times with the passage of 12 years. He, therefore, submits that the applicant be directed to deposit at least Rs.4,00,000/-.

5. At this stage, I find that the applicant succeeded in getting an order of stay to the deposit of the amount after 1 year and even after the LPA was dismissed, the applicant now volunteers to deposit Rs.1,30,000/- after more than 1 year.

6. In view of the above, considering the interest granted by the Labour Court @ 12%, the applicant shall deposit an amount of Rs.1,30,000/- with 12% interest per annum for 2 years. The said amount shall be deposited on or before 03/05/2019, failing which,

the interim protection granted in the writ petition shall stand vacated w.e.f. 04/05/2019 without reference to the Court.

7. Learned Advocate for the employee seeks leave to withdraw the amount without prejudice to his contention as regards calculations of interest for 10 years. Learned Advocate for the bank strenuously opposes the same.

8. In view of the above, the employee would be at liberty to withdraw the amount of Rs.1,30,000/- with interest as directed, subject to the same condition as was imposed with reference to the refund of the amount, by order dated 11/01/2007.

9. The civil application shall stand disposed off with the above directions.

10. List the writ petition for final hearing on 18/07/2019.

(Ravindra V.Ghuge, J.)