

Urmila Ingale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 1861 OF 2018
IN
WRIT PETITION NO. 4421 OF 2016

Shri Pandharinath Ranba Sawant .. Applicant

In the matter between

Maharashtra State Road Transport Corporation .. Petitioner

Vs.

Shri Pandharinath Ranba Sawant .. Respondent

Mr.Ravindra B. Nair, for the Applicant/Respondent.

Mr.C.M.Lokesh i/b Mr.G.S.Hegde, for Petitioner.

CORAM : M.S.KARNIK, J.

DATE : 26th APRIL, 2019

P.C. :

. This application is filed by the workman since retired for withdrawing the amount of back-wages deposited in the Labour Court at Thane. The workman was dismissed from service after holding the departmental enquiry against him. The charge was absenteeism without permission. The Labour Court

found the order of dismissal to be shockingly disproportionate. By the award impugned, the Labour Court reinstated the workman with full back-wages and continuity of service. By an order dated 01/03/2017 this Petition came to be admitted and the award is stayed during the pendency of the Petition subject to condition that the petitioner deposits the entire back-wages before the Labour Court .

2. The amount has been deposited. Now the application has been filed by the workman for withdrawal of the amount of back-wages. Learned Counsel submits that the workman concerned is retired and is facing severe financial problems. He has also relied upon the certificate for the persons with disabilities indicating that he is physically disabled and has 70% permanent physical impairment in relation to his right lower limb. He points out that there is already an award in his favour and now that it is very difficult for him to sustain.

3. This application is opposed by learned Counsel for

the respondent (original petitioner). In my opinion, in the light of averments made in the application, the interest of justice would be served if the workman is allowed to withdraw 50% of the back-wages deposited in the Labour Court subject to his filing an undertaking that in the event the Petition is allowed, he will bring back the amount in this Court within a period of 10 weeks from the date of the decision of this Court.

4. The application is partly allowed and the same is disposed of.

(M.S.KARNIK, J.)