

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.1721 OF 2018
IN
WRIT PETITION NO.557 OF 2007**

Bhalchandra S. Mahanad

... Applicant
(Org. Respondent)

IN THE MATTER OF

Syndicate Bank
Versus

... Petitioner

Bhalchandra S. Mahanad

... Respondent

.....
Ms. Lata Patane for the Applicant/Respondent.
Mr. Piyush Shah for the petitioner.
.....

CORAM : M. S. KARNIK, J.

DATE : 26th APRIL, 2019.

P. C.:

1. This is an application filed by the original respondent employee directing the petitioner to grant the wages as per 10th Bipartite settlement w.e.f. 01.11.2012 and pay the arrears till date and also to further direct the Bank to pay the wages till the disposal of the Writ Petition. A further prayer is made that the employee be allowed to withdraw the amount deposited in this Court.

2. The order at page 21 of the paper book is brought to my notice. Civil Application No. 90 of 2013 filed on earlier occasion for payment of the amount as per 8th and 9th Bipartite settlement and for withdrawal of the amount was disposed of by this Court on 10.05.2013. In so far as the claim for payment of amount due and payable as per 8th and 9th Bipartite settlement, this Court passed the following order :-

- a. Civil Application is partly allowed.
- b. Respondent bank is directed to calculate the amount due and payable to the applicant as per 8th and 9th Bipartite settlement and deposit the same in this court within eight weeks from today.
- c. If the amount is deposited within stipulated time as stated hereinabove, same be invested in any Nationalised Bank initially for a period of one year and same be continued till the hearing and final disposal of Writ Petition No.557 of 2006.
- d. If the amount is not deposited within stipulated time, as stated hereinabove, interim stay dated 23rd January, 2007 should stand vacated without referring the matter to Court.
- e. Civil Application is disposed of accordingly.

3. Learned counsel for the employee requested for withdrawal of the amount so deposited. The request is declined for the present. I am also not inclined to accept the request made by learned counsel for a direction to the Bank to pay wages to the employee for the period even after his superannuation.

4. In view of the reasons recorded by this Court in the order dated 10.05.2013, even this application can be disposed of on the following terms :-

a) The respondent bank is directed to calculate the amount due and payable to the applicant as per 10th Bipartite settlement till the date of his superannuation and deposit the same in this Court within a period of 10 weeks from today.

b) If the amount is deposited within stipulated time as stated hereinabove, same be invested in any Nationalised Bank initially for a period of one year and same be continued till the hearing and final disposal of Writ Petition No.557 of 2006.

c) If the amount is not deposited within stipulated time, as stated hereinabove, interim stay dated 23rd January, 2007 should stand vacated without referring the matter to Court.

d) The request for withdrawal of the amount deposited is rejected for the present. Civil Application is disposed of.

(M. S. KARNIK, J.)