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

**CIVIL APPLICATION NO.2459 OF 2017
IN
WRIT PETITION NO.9807 OF 2015**

Vinayak M. Sawant	.. Applicant
In the matter between	
M/s. Adarsh Rent A Car Pvt. Ltd.	.. Petitioner
Vs.	
Vinayak M. Sawant	.. Respondent

Mr. R.D.Bhat for the applicant.

Mr. Mahesh Shukla a/w Viraj Prajapati for the petitioner.

CORAM : A.K. MENON, J.

DATED : 14TH FEBRUARY, 2019.

P.C. :

1. This civil application is moved pursuant to liberty granted vide order dated 13th February, 2017 to comply for withdrawal of amounts deposited pursuant to that order. It is the case of the respondent-applicant that he has a good case on merits and that the petitioner did not pay the subsistence allowance in full. Thus, the contention of the respondent-applicant is that he is entitled to 100% subsistence allowance on the basis of the last wage drawn under the applicable Standing Orders. The total amount claimed by the respondent is Rs.5,15,460/- as of 30th August, 2017. Save and except Rs.1,19,957/-

the rest of the amount has been paid over.

2. The civil application makes out no ground at all for withdrawing the amounts. It is the contention of the respondent that he is not employed in any establishment. In reply, however, it is contended that he is gainfully employed as a driver. There is no rejoinder and no denial of this fact.
3. In my view there is no ground to alter status quo apropos the amount which lies invested in a nationalised bank.
4. Civil application is dismissed.

(A.K.MENON,J.)

wadhwa