

**FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

**CIVIL APPLICATION NO. 1431 OF 2019
IN
MISC. CIVIL APPLICATION NO. 1166 OF 2018
IN
WRIT PETITION NO. 3866 OF 2017
(Western Coalfields Ltd. & Anr. V/s Pramod Kumar Bhattad)**

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Prothonotary's orders	Court's or Judge's orders
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Mr. A. M. Ghare a/w Mr. O. A. Ghare, Advocate for Review Applicants.

Mr. Mohan Sudame a/w Mr. Akshaya Sudame, Advocate for Respondent – Sole.

**CORAM : SUNIL B. SHUKRE AND
S. M. MODAK, JJ.**

DATE : AUGUST 5, 2019

. Heard.

2. This application is for grant of permission to withdraw the amount deposited by the Review Applicants on account of the leave encashment of the Non-applicant.

3. There is a dispute about entitlement of the Non-applicant to the encashment of the leave kept to the credit of Non-applicant at the time of retirement. The dispute, it appears to us, is not likely to be resolved so on, as the Hon'ble Apex Court, it is informed, is also dealing with a similar issue.

4. In these circumstances, if any undertaking is given by the Non-applicant regarding refund of the interim amount of leave encashment along with interest, in case the decision goes against the Non-applicant, the withdrawal could be permitted. This application contains the undertaking expected to be given by the Non-applicant. The assurance coming to this undertaking is accepted. But, the categorical undertaking is required to be placed on record in the nature of an undertaking proper by the Review Applicants.

5. In view of above, the Civil Application is allowed.

6. Permission is granted to the Non-applicant to withdraw the amount of Rs.6,39,171/- deposited by the Review Applicants, together with interest, if accrued on it, subject to the Non-applicant giving categorical undertaking that in case the decision goes against him, he shall refund the entire amount, so withdrawn by him, along with simple interest at the rate of 7% per annum within a period of two weeks from the date of decision.

7. Civil Application stands disposed of accordingly.

JUDGE

JUDGE

Yadav VG