

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CIVIL APPLICATION (W) NO.2902/2019 IN WRIT PETITION NO.2827/2019
Maharashtra State Road Transport Corporation through its Divisional Controller, Amravati

Vs.
Shetan Ratanji Khanande

Office notes Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri N.R.Saboo, Advocate for applicant/respondent.

CORAM : A.S.CHANDURKAR, J.

DATED : NOVEMBER 08, 2019

Prayer made in the application is to permit the respondent to withdraw the amount deposited by the petitioner in terms of interim order dated 09.04.2019.

In the complaint filed by the respondent challenging his dismissal from service, the Labour Court on 16.02.2000 directed the employer to reinstate the respondent in service without back-wages. In the revision application preferred by the Corporation that order was stayed till 31.05.2002. The respondent was thereafter reinstated in service on 02.05.2002. The revision application preferred by the petitioner came to be dismissed on 28.01.2019. In the meanwhile, the respondent attained the age of superannuation in the year 2007. He filed fresh complaint seeking wages from 16.02.2002 to 02.05.2002. That complaint has been allowed by the Industrial Court.

It is submitted by the learned counsel for the respondent that he be permitted to withdraw the amount as deposited considering the fact that the revision application preferred by the Corporation for challenging the initial order of reinstatement stood dismissed.

There is no appearance on behalf of the petitioner.

Considering the aforesaid facts as the order of reinstatement has attained finality, the respondent is permitted to withdraw the amount of Rs.60,000/- subject to filing of an undertaking that in case the writ petition is allowed that amount shall be re-deposited with interest as the Court may direct. On filing such undertaking the respondent is permitted to withdraw the aforesaid amount. Remaining amount shall continue in fixed deposit.

Civil application is disposed of.

WRIT PETITION NO.2827/2019

Put up for further consideration on 03.12.2019.

JUDGE

Andurkar.