IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CIVIL APPLICATION NO. 10184 of 2020

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SHEKHAR JOSEF

Versus

THE COLLECTOR & 3 other(s)

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Appearance:
MS SIDDHI VADODARIYA for THAKKAR AND PAHWA ADVOCATES(1357) for the Petitioner(s) No. 1
MS MEGHA CHITALIYA, AGP for the Respondent(s) No. 1
MR HS MUNSHAW(495) for the Respondent(s) No. 2,3
MR PRATIK P THAKKAR(6097) for the Respondent(s) No. 4

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CORAM: **HONOURABLE MR. JUSTICE ASHUTOSH J. SHASTRI**

Date : 24/12/2020

ORAL ORDER

1. When the matter is taken up for hearing, learned advocate Mr. H.S. Munshaw, under the instruction, has stated before the Court that the cheque which was already deposited before the concerned Labour Court is now credited and the amount is lying before the Registry of the Labour Court. In view of that, Mr. Munshaw has submitted that it would be open for the petitioner to apply for withdrawal of the said amount before the concerned Labour Court.

2. In view of the above, the petitioner is permitted to approach the concerned Labour Court, i.e. Labour Court at Valsad, for seeking withdrawal of the amount of Rs.7,90,248/- which has already been credited in response to the recovery certificate dated 25.9.2019. As and when such approach is made by the petitioner for seeking withdrawal of the amount to the concerned Labour Court, the concerned Labour Court after verification shall pass appropriate order permitting the petitioner to withdraw the same. It is made clear that after receipt of the amount by the petitioner- workman, i.e. after disbursement of the amount, the respondent No.4 company shall approach the respondent No.3 with a request and with the information regarding disbursement of the aforesaid amount for seeking opening of the seal which has been applied. The

respondent No.3 authority is directed to forthwith open the seal as soon as it is ensured that the amount is disbursed in favour of the petitioner. It is made clear that since the seals are applied over the factory, i.e. respondent No.4, the petitioner workman shall approach the concerned Labour for seeking withdrawal of the amount within a period of ***ONE WEEK*** from today. It is needless to say that such disbursement process shall be undertaken as early as possible as indicated above by the petitioner workman and no undue delay shall take place in this proceedings.

3. With the aforesaid observation(s), learned advocate Ms. Siddhi Vadodariya for Thakkar and Pahwa Advocates, seeks permission to withdraw the petition. Permission, as sought for, is granted. The petition stands disposed of as withdrawn. Notice is discharged.

Direct Service, through electronic mode, is permitted ***TODAY***.

(ASHUTOSH J. SHASTRI, J)

NAIR SMITA V.