

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

**CIVIL APPLICATION NO. 1547 OF 2019
IN
WRIT PETITION NO. 3790 OF 2009**

M/s.IFB Industries

...Petitioner

vs.

Flory Albert Fernandez

...Respondent/Applicant

Mr.Jayant J. Bardeskar for Applicant.

Mr.Ravindra Vishnu Laxmi Sankpal with Bhagyashri Vishal i/b. R.vv.
Sankpal & Associates for Respondent/Petitioner.

CORAM : S.C. GUPTE, J.

DATE : 15 JANUARY 2020

P.C. :

This civil application seeks an order for withdrawal of 50% of backwages without furnishing any security. The writ petition challenges an order passed by the Labour Court at Kolhapur on a reference made to it under the Industrial Disputes Act. The impugned order of the Labour Court requires the Petitioner employer to reinstate the Respondent with full backwages and with continuity of service. By an order dated 12 July 2010, Rule was issued in the writ petition and the award was stayed subject to condition of depositing entire backwages by the Petitioner in this court. The court allowed the Respondent workman to withdraw 50% of the amount so deposited without furnishing any security, whilst the rest of the amount was permitted to be withdrawn only after furnishing a security to the satisfaction of the Registrar General of the Court. 50% amount has, accordingly, been withdrawn by the Respondent without furnishing any security. So far as the rest of the amount is concerned, the same could not

be withdrawn because the Respondent was not in a position to furnish a bank guarantee, which is usually demanded as sufficient security by the Registrar.

2 Learned Counsel for the Applicant (original Respondent) submits that the period reserved for withdrawal of balance 50% amount may be extended and the Applicant may be permitted to withdraw the amount after furnishing of security to the satisfaction of the Registry. The Applicant may apply for withdrawal of the amount within a period of two weeks, offering such security, as may be accepted as adequate to the Registry.

3 The civil application is disposed of accordingly.

(S.C. GUPTE, J.)

Sanskruti
A.
Thakur

Digitally signed
by Sanskruti A.
Thakur
Date:
2020.01.20
10:51:07
+0530