

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 3231 OF 2021

IN

WRIT PETITION NO. 391 OF 2013

Subhash Anantgir Gosavi .. Applicant

Versus

The Assistant General Manager .. Respondent
State Bank of India, Region IV,
Regional Office, Aurangabad.

Mr.P.P. Shahane, Advocate for the applicant.
Mr.Ruturaj Patil, Advocate for sole respondent.

CORAM : N.J.JAMADAR, J.
DATE : 19.03.2021

PC :-

01. The challenge in this petition, at the instance of the employer – Bank, is to a judgment and award dated 03.08.2012, passed by the learned Labour Court, Aurangabad, whereby the action of the petitioner of discharging the respondent from service by orders dated 30.09.2002 and 27.01.2004 has been quashed and set aside. The petitioner has been directed to calculate and pay the consequential benefits to the respondent, as if the

respondent was in service till attaining the age of retirement, with continuity, but without back wages.

02. Pursuant to an order dated 02.12.2013, the petitioner/employer has deposited the entire amount in terms of the award. The respondent/applicant herein preferred an application, being Civil Application No. 5997 of 2014 for withdrawal of the said amount of Rs.11,59,965/-. By an order dated 08.08.2014 this Court permitted the respondent/applicant to withdraw a sum of Rs.6 lakhs upon furnishing a solvent security and the rest of the amount was directed to be invested in a nationalized Bank, initially for a period of three years.

03. The respondent/applicant has now preferred this application seeking permission to withdraw the balance amount of Rs.5,59,965/- with accrued interest thereon on the premise that the applicant is 70 years of age. He has been pursuing the remedies since last 18 years. The applicant is in financial constraints. Hence, he be

permitted to withdraw the balance amount.

04. The petitioner/employer has resisted the prayer by filing an affidavit-in-reply. It is contended that this Court by order dated 08.08.2014, had permitted the applicant to withdraw a sum of Rs.6 lakhs upon due consideration of the claim for entitlement. Thus, there is no propriety in permitting the applicant to withdraw further amount.

05. Heard learned Counsel for the applicant and learned Counsel for the petitioner/employer. They have advanced submissions consistent with the assertions in the application and the affidavit-in-reply in opposition thereto.

06. This Court has issued Rule on 15.01.2014. The petition awaits final hearing and disposal. The claim of the applicant that he is in the evening of his life cannot be contested. The order passed by this Court on

08.08.2014 cannot be so construed as to foreclose right of the applicant to seek further withdrawal. Having regard to the time lag from the order dated 08.08.2014, and the fact that the disposal of the writ petition finally may require some more time, it would be expedient to allow the applicant to withdraw a part of the amount, which has now accumulated.

07. The office has reported that as of 19.03.2021 the deposit of Rs.5,59,965/- has accumulated to Rs.10,09,266/-. In the circumstances, it would be expedient to allow the applicant to withdraw a further amount of Rs.5 lakhs upon furnishing a solvent surety.

08. Hence, following order :-

The application stands partly allowed.

The applicant/employee is allowed to withdraw an amount of Rs.5,00,000/- [Rupees Five Lakhs] on furnishing a solvent surety to the satisfaction

of learned Registrar (Judicial) of this Court.

The balance amount be again invested in a nationalized bank initially for a period of three years.

The Civil Application accordingly stands disposed of.

[N.J.JAMADAR,J.]