

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**924 CIVIL APPLICATION NO.4242 OF 2021
IN WP/6252/2007**

**YENUBAI RAMBHAU BINNIWALE AND OTHERS
VERSUS
IRRIGATION PROJECT INVESTIGATION DEPT THROUGH ITS
EXECUTIVE ENGINEER**

Mr. Nitin L. Dhobale, Advocate for the applicants
Mr. Rajendra Deshmukh, Senior Advocate for the respondent

CORAM : N. J. JAMADAR, J.

DATE : 01-04-2021

P. C.

. The applicants, who are the legal representatives of respondent-original complainant, have preferred this application seeking permission to withdraw the amount of Rs.65,828/- deposited by the petitioner pursuant to the order passed by this court on 16-06-2009 and also for fixing an early date for final hearing of the writ petition.

2. The petitioner has preferred this petition being aggrieved by the judgment and award passed by the Industrial Court, Jalna in complaint No. 142/1998 dated 25-07-2007 whereby the petitioner was *inter alia* directed to pay difference in wages for the period from 20-05-1989 to 12-06-1998, reckoning wages at the minimum wages fixed by the Government for part-time workmen.

Initially, the petitioner was directed to deposit a sum of Rs.1,50,000/-. By order dated 16-06-2009 on an application preferred by the petitioner, being civil application No. 5687 of 2009, this court permitted the petitioner/applicant to deposit the amount of Rs.65,828/- instead of Rs.1,50,000/- in compliance of the earlier order by condoning the delay in depositing the amount. Consequently, the petitioner deposited the amount on 22-06-2009.

3. The applicants herein aver that the original respondent employee has since expired. The applicant No.1 is 72 years old. The applicants are in financial constraints. The applicants require the funds to meet the necessities of life.

4. Mr. Deshmukh, learned Senior counsel for the respondent/original petitioner submitted that the interest of the petitioner be protected by imposing appropriate conditions as the petitioner has a good case on merits and thus, in the event the petition is allowed, the petitioner may not be left in the lurch.

5. From the averments in the application, the claim of the applicants for withdrawal of amount appears to be justifiable. The fact that the applicants would require the amount to meet the necessities of life can hardly be contested. As the petitioner was permitted to deposit Rs. 65,828/- on the basis of its own computation of the due amount, it may be expedient to allow the applicants to withdraw the said amount subject to certain

conditions.

6. Having regard to the nature of the controversy and the fact that the petition is filed in the year 2007, prayer for early listing of the petition for final hearing also seems justifiable.

7. Hence, the following order.

ORDER

- i. The application stands allowed.
- ii. The applicants are allowed to withdraw the amount of Rs. 65,828/- alongwith interest accrued thereon, on furnishing an undertaking to the satisfaction of the Registrar (Judicial) of this court to bring back the said amount in the event the petition is allowed and /or the respondents/applicants are directed to deposit the said amount in the court.
- iii. The petition be listed for final hearing in the first week of June, 2021.
- iv. The application accordingly stands disposed of.

[N. J. JAMADAR, J.]