

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

**CAW NO.599/2021 IN WRIT PETITION NO.5910/2014**  
**Maharashtra State Mining Corporation Ltd., Corporation through its Managing**  
**Director**  
**..vs..**  
**Shri Ramesh Raghunath Pohane and ors**

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

Court's or Judge's Order

.....  
Shri C.V.Kale, Counsel for the petitioner.  
Shri S.D.Thakur, Counsel for respondent No.1.  
Shri K.L.Dharmadhikari, AGP for respondent Nos.2 & 3.

**CORAM : V.M.DESHPANDE J.**  
**DATED : APRIL 08, 2021.**

1. Hearing was conducted through video conferencing and learned counsel agreed that the audio and visual quality were proper.

2. Heard.

3. This is an application filed on behalf of respondent No.1 for early hearing or in alternative to permit him to withdraw amount of Rs.11,69,836/- deposited by the petitioner on 5.4.2016.

4. This writ petition is already admitted for its final hearing by order dated 25.1.2016.

5. In my view, through video conferencing final hearing of this writ petition cannot be done since looking to various documents it will be cumbersome on the part of the Advocates as well as the Court to understand the documents. Therefore, at this stage, the application for early hearing

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cannot be considered.

6. Insofar as alternate prayer for withdrawal of amount is concerned, it has to be observed here that while admitting this writ petition on 25.1.2016 this Court directed the petitioner to deposit amount as per order passed by learned Judge of the Industrial Court. It is not in dispute that in view of order dated 25.1.2016 the petitioner deposited amount of Rs.11,69,836/- with the Registry of this Court.

7. The complaint filed on behalf of respondent No.1 was allowed by learned Judge of the Labour Court and he was directed to be reinstated. Against that, revision was filed by the petitioner and that revision was also dismissed by learned Judge, Industrial Court, Nagpur and while confirming it was observed by learned Judge of the Industrial Court that present respondent No.1 is entitled for 60% of back wages.

8. During the course of hearing, learned counsel Shri Thakur for respondent No.1 submitted that the said respondent not only is tested corona positive but he is indoor patient in Satyam Hospital at Chhatrapati Chowk, Nagpur.

9. Be that as it may, respondent No.1 who is without any amount from 2009, in my view, surely he is entitled for amount deposited by the petitioner. However, since the writ petition is already admitted for final hearing, to protect the interest of the petitioner as well as the

respondent No.1, presently I allow respondent No.1 to withdraw 50% amount of Rs.11,69,836/- together with proportionate interest accrued thereon.

10. It is also observed that in case the petition is allowed, respondent No.1 shall be liable to refund the amount along with interest that will be fixed by this Court.

With this, the application is disposed of.

**JUDGE**

!! BRW !!

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