

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.2894/2018

The Managing Director,
Dr. Panjabrao Deshmukh Urban Co-operative
Bank Ltd., Through its Managing Director
Shri Narendra Bhim Puri, Age – Adult,
Irwin Chowk, Amravati,
Tq. And Dist. Amravati.

..... PETITIONER
(Ori. Respondent)

// VERSUS //

1. Member, Industrial Court, Amravati,
Camp Amravati.
2. Judge Labour Court, Amravati,
Camp Amravati.
3. Ashok Digambarrao Kale
Aged about 59 years, Occ. Nil,
R/o Durga Colony, Morshi,
Taluka – Morshi, Dist. Amravati.

.... RESPONDENTS
(Ori. Complainant)

Mr. V. B. Bhise, Advocate for petitioner.
Mr. S. A. Ashirgade, Additional Government Pleader for
respondent Nos.1 and 2.
Mr. N. R. Saboo, Advocate for respondent No.3

CORAM : AVINASH G. GHAROTE, J.
DATED : 06/10/2021

ORAL JUDGMENT :

- 1] Heard. **Rule.** Rule made returnable forthwith.

2] Heard finally by consent of the learned counsel appearing for the rival parties.

3] The petitioner Bank has deposited an amount of Rs.29,77,150/- (Rs. Twenty Nine Lakhs Seventy Seven Thousand One Hundred Fifty) on account of back-wages and interest thereupon, as directed by the learned Labour Court in its Judgment dated 27.07.2015, in Complaint (ULP) No.190/1999. Out of this amount, 50 % amount has been permitted to be withdrawn by the respondent No.3, by order dated 15.03.2019.

4] Mr. Bhise, learned counsel for the petitioner Bank submits that the petitioner Bank has claimed on account of loan advanced to the respondent No.3, which is as on 5.10.2021 to the tune of Rs.3,63,200/-, (Rs. Three Lakh Sixty Three Thousand Two Hundred) and in case, the same is deducted from the amount deposited in this Court and made over to the petitioner bank, it would give up the challenge in the petition.

5] Mr. Saboo, learned counsel for the respondent No.3, though disputes the correctness of the figure of outstanding amount on account of loan, as claimed by the petitioner Bank, however, he is agreeable to deduct this amount from the amount deposited in this Court, subject to

any dispute regarding the correctness of the figure claimed by the bank being kept open.

6] In this view of the matter, the petitioner is permitted to withdraw an amount of Rs.3,63,200/-, (Rs. Three Lakh Sixty Three Thousand Two Hundred) out of the balance amount as presently deposited in this Court. The rest of the amount with accrued interest be paid to the respondent No.3.

7] It is made clear that any dispute regarding the correctness of the amount claimed by the Bank, is kept open.

8] The Writ Petition is accordingly disposed of with the consent of the parties.

9] Rule is made absolute in the above terms. No costs.

(AVINASH G. GHAROTE, J)