

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

909 CIVIL APPLICATION NO.821 OF 2022
IN WP/1879/2019
WITH CA/12703/2021 IN WP/1879/2019

S. S. HANMANTE DIED THROUGH LRS ANAND SHESHRAO
HANAMANTE AND ANOTHER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Applicants : Mr. A.V. Patil Indrale
AGP for Respondents/State : Mr. A.A. Jagatkar

...

CORAM : SMT.BHARATI H. DANGRE, J.

DATE : 27TH January, 2022

PER COURT :

1. By the present application, two applicants, who are legal heirs of members of 'Marathwada Lal Bawata Kamgar Union' are seeking withdrawal of the amount due to the deceased employees at Sr.Nos.5 and 27 in the list appended to the petition in the wake of dismissal of the writ petition filed by the State of Maharashtra challenging the judgment and order passed by the Industrial Court, conferring benefit in favour of the employees.

2. On 10.02.2021, the two Writ Petitions were dismissed by

this Court by recording that the Industrial Court had rightly granted the payment to the employees and the judgment passed in another writ petition was relied upon to conclude that the employees before the Court are also entitled for the similar relief on the ground of parity. During pendency of the Writ Petition No.1879 of 2019, an amount of Rs.51,98,183/- came to be deposited in the Court vide cheque No.118457 dated 04.01.2020 alongwith list of the employees, and the amount due to each of them was indicated in the Chart placed on record at Page No.18.

3. Learned counsel for the applicants state that this list include the name of Shri S.S. Hanmante at serial No.5 and Shri S.S. Tugawe at serial No.27. On their demise, the amount is lying in this Court and other respondents to the petition, who are concerned, have withdrawn the amount of their share, deposited in this Court.

4. In the wake of aforesaid circumstances, legal heirs of the deceased employees are entitled for withdrawal of the amount and on the applicants submitting a proof to the effect that they

are legal heirs of the deceased employee, the Registrar shall permit withdrawal of the amount due and payable to them.

Civil Application No.821/2022 is made absolute in terms of prayer clause "B" subject to condition that the applicants shall get themselves identified before the Registrar, to be the legal heirs of deceased employee.

(BHARATI H. DANGRE, J.)