

Ajay

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.

INTERIM APPLICATION NO.774 OF 2022
IN
APPEAL NO.563 OF 2003

Smita N. Jaywant and Ors. .. Applicants

IN THE MATTER BETWEEN

Biddle Sawyer Limited .. Appellant

Versus

Chemical Employees Union and Anr. .. Respondents

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- Mr. Prabhakar M. Jadhav, Advocate for the Applicants.
- Ms. N.R. Patankar a/w. Mr. Bhuvan Singh i/by N.R. Patankar for the Appellant.
- Mr. Netaji Gawade i/by Mr. Sanjay Udeshi & Co. for Respondent No. 1.

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**CORAM : S.J. KATHAWALLA &
MILIND N. JADHAV, JJ.**

DATE : MARCH 02, 2022.

P.C.

. On 20.01.2022, this Court passed the following order:

"1. Perused the above Interim Application filed by the Applicants / workers / heirs of the deceased workers to direct the office to allow them to withdraw the amounts payable to them, which are deposited by the Company with the Prothonotary and Senior Master of this Court pursuant to the Order of this Court dated 29th July, 2003, modified on 20th September, 2003 passed in Notice of Motion Nos. 2002 of 2003 and 2640 of 2003 in Appeal No. 563 of 2003 in Writ Petition No. 1376 of 1999.

2. The learned Advocates appearing for the Appellant and Respondent No. 1 on instructions states that the Appellant and Respondent No. 1 have no objection if the relief sought by the Applicants is allowed.

3. In view of the above, the Prothonotary and Senior Master shall allow the Applicants to withdraw the amounts payable to them without furnishing any security as per the Order dated 6th September, 2016. It is clarified that the payments shall be made as per the statement available with the Prothonotary and Senior Master. The Prothonotary and Senior Master will before parting with the payments in favour of the legal heirs of the deceased workers verify that they are in fact the legal heirs of the deceased workers and shall also obtain an indemnity bond from them. We are informed that the legal heirs are already being paid pension by the concerned authority and therefore they have been accepted as legal heirs of the deceased workers by the Pension Authority.

4. The above Interim Application is accordingly disposed off."

2. The Applicants were allowed to withdraw the amounts payable to them without furnishing any security as per the order dated 06.09.2016 as noted above.

3. Shri. P.M. Jadhav, learned Advocate appearing on behalf of the Applicants has made an application vide praecipe dated 28.02.2022 stating that as on 25.06.2004 the amount of Rs.10,45,341.22 was left in the hands of the Prothonotary and Senior Master for effecting payment to the remaining 30 employees who are yet to withdraw their respective amounts. The names and entitlement of amount of the 30 employees given by Advocate Jadhav are as under:

Sr No	Name of Workers	Amounts deposited by company in court (towards 25% arrears payable to workmen as in 1999)
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1.	MS SMITA JAYWANT	31,766.29
2.	MS SUSHMA P MATHURE	33,801.45
3.	MS S.S. MAHAMUNKAR	33,752.79
4.	MS S D DOIPHODE	33,396.75
5.	MS KANCHAN MALADKAR	33,963.71
6.	MS SUREKHA C PHALE	99,983.83
7.	MS VASANTI B ROHEKAR	33,258.29
8.	MS RENU P SURVE	33,338.39
9.	MS DARSHNA D GODAMBE	33,152.96
10.	MS SUSHMA G CHAVAN	33,502.98
11.	MR S.R. PARIKH	33,491.14
12.	MR E.J. JOHNY	31,361.26
13.	MR BHASKAR K PUTHRAN	31,037.64
14.	MR RAMNATH R DUBE	29,906.51
15.	MR RAMANNA B SUVARNA	33,278.46
16.	MS MANGALA K TAMBE	33,576.48
17.	MS SHEETAL S SHELKE	29,448.76
18.	MR RAJARAM G JOSHI	31,854.69
19.	MS VINITHA V MALVENKAR	32,709.03
20.	MS SNEHALI S SABLE	32,906.54
21.	MS LILLY SHETTY	31,916.79
22.	MS P A KELGENDRE	30,265.15
23.	MR SITARAM BUDATHOKI	32,448.68
24.	MR JAIKUMAR B SHARMA	32,222.68
25.	MR RAMCHANDRA G SIGVAN	30,074.85
26.	MR B D KHATAL	16,407.14
27.	MR V K JOHNY	29,748.53
28.	MR BALJNATH S DUBEY	24,807.66
29.	MR SHIVAJI D PAWAR	29,480.30
30.	MR NEMI N SHETTY	35,256.95

4. The 10 Applicants who have filed the present Application are shown at Sr. Nos.1 to 10 in the aforesaid list.

5. Advocate Shri. Jadhav submits that as on date substantial interest has been accrued on the original balance amount of Rs.10,45,341.22 and the same has become Rs.14,88,285.00 as on 06.10.2021. He submits that the interest that has accrued till date on the aforestated amounts be proportionately disbursed amongst the 30 employees who are yet to withdraw their respective amounts.

6. We have already passed directions to allow the Applicants to withdraw the amounts payable to them. The Prothonotary and Senior Master is therefore directed to compute and calculate the interest accrued on the balance amount of Rs.10,45,341.22 from 25.06.2004 till date and apportion the same equally amongst the 30 employees and thereafter permit the Applicants to withdraw their respective amounts.

7. In view of the above directions, the Application made on behalf of the Applicants vide praecipe dated 28.02.2022 stands disposed of.

[MILIND N. JADHAV, J.]

[S.J. KATHAWALLA, J.]

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