

Niti

IN THE HIGH COURT OF BOMBAY AT GOA

MISC. CIVIL APPLICATION NO.170 OF 2023

IN

WRIT PETITION NO.436 OF 2017

SANDIP NAGVENKAR

AND 7 ORS.

... PETITIONERS

Versus

THE MADGAUM URBAN

CO-OPERATIVE BANK

LTD., THROUGH ITS

MANAGING DIRECTOR

... RESPONDENT

Mr Shivraj Gaonkar with Mr Prabhav Pravin Sirvoicar,
Advocates for the Applicants.

CORAM: M. S. SONAK &
BHARAT P. DESHPANDE, JJ.

DATE : 13th JUNE 2023

P.C. :

1. By judgment and order dated 11.07.2017, Writ Petition no.436/2017 instituted by the Madgaum Urban Co-operative Bank Ltd. challenging the order dated 21.04.20217 made by the Labour Commissioner under Section 33(C) of the Industrial Disputes Act was dismissed.

2. By order dated 22.08.2017, the review against the same was also dismissed.

3. By order dated 05.04.2023, the Special Leave Petition filed by the Madgaum Urban Co-operative Bank Ltd. was also dismissed.

4. In terms of orders made in Writ Petition No.436/2017, the Bank has deposited the amount in terms of the Labour Commissioner's order dated 21.04.2017 in this Court. This application seeks leave to withdraw the said amount of ₹40,31,071/- along with interest, if any, that shall have accumulated on this amount.

5. On the last occasion, Mr Shivan Desai appeared for the Madgaum Urban Co-operative Bank Ltd and pointed out that the Bank is presently under liquidation and, therefore, he can no longer appear for the Bank. He requested that a notice may be served upon the Liquidator.

6. Accordingly, the applicants have served a notice on the Liquidator and have produced a covering letter with the endorsement of service. Mr Gaonkar, the learned Counsel for the applicants states that notice has been duly served upon the Liquidator.

7. The amounts payable to the employees were deposited in terms of orders issued in Writ Petition No.436/2017 and mainly to secure such an amount. The petition has since been dismissed, even the Review Petition and the Special Leave Petition against the same have been dismissed.

8. Accordingly, there is no difficulty in permitting the applicants to withdraw the deposited amount of ₹40,31,071/- along with interest, if any, that shall have accrued on this amount in the proportion indicated in para 18. Mr Gaonkar points out that applicant no.5 – Shri Raghunath Pai Raikar has since expired. However, applicant no.3 – Smt. Sandhya Pai Raikar is his widow. Accordingly, in paragraph 19 of the application it is prayed that the share payable to

Shri Raghunath Pai Raikar may be paid to Smt. Sandhya Pai Raikar. This request is reasonable and the same is accepted.

9. The Registry to accordingly permit withdrawals in the above terms. The applicants will have to furnish identity and bank details so that the amounts are directly transferred into their respective bank accounts.

10. Misc. Civil Application No.170/2023 is disposed of in the above terms.

11. All concerned to act on the authenticated copy of this order.

BHARAT P. DESHPANDE, J.

M. S. SONAK, J.