

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

**CAW2639 OF 2022 IN
Writ Petition No.3389 of 2014**

Ratneshwar Vyayam Prasarak Krida Va Shikshan Prasarak Mandal Amani, Through Its President And
anr. Vs The Presiding Officer, School Tribunal, Amravati And 2 Others

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri P.S. Patil, Advocate for the Petitioner
Shri D.P. Thakare, Addl.G.P. for the Respondent 1 and 3/State
Shri Pushkar Ghare, Advcoate for the respondent No.2/applicant

**CORAM : ANIL S. KILOR, J.
DATED : 15th March 2023**

1. Heard.
2. This is an application for permission to withdraw the amount deposited by the petitioner/management towards 50 % of arrears of salary payable to the respondent No.2/applicant vide order dated 23.11.2005.
3. Initially, the petitioner deposited Rs.99,000/- in the Registry of this Court and further deposited Rs.2,20,300/-, The total amount deposited by the management is, Rs.3,19,300/-.
4. Though the applicant is disputing that the amount of Rs.3,19,300/- deposited by the petitioner is 50 % of the total arrears of salary, however, he submits that in the meantime, he may be permitted to withdraw the same.
5. The applicant has filed an affidavit, giving undertaking that if he fails in the present matter and in case, this Court directs him

to repay or refund the amount, he will repay the same along with interest.

6. The learned counsel for the petitioner is opposing the prayer of the respondent No.2 for withdrawal of the amount.

7. However, considering the fact that the amount deposited by the management is towards arrears of salary and that too only 50% and further considering the undertaking given by the respondent No.2 that in case he fails in the present matter and if this Court directs the respondent no.2 to repay back the amount, he will repay the said amount along with interest, I am of the opinion that no prejudice would be caused to the petitioner, if the application is allowed. Accordingly, I pass the following order:

(i) The application is **allowed**.

(ii) The respondent No.2 is permitted to withdraw the amount of Rs.3,19,300/- in view of his undertaking that if the respondent No.2 fails in the present petition and if this Court directs the respondent No.2 to pay the above mentioned amount, he shall pay within two months from such direction along with simple interest.

8. The application is **disposed of** accordingly.

[ANIL S. KILOR, J.]

Digitally signed by NIRANJAN
DOMAJI THAWRE
Signing Date: 15.03.2023
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