



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 2807 OF 2024
IN WP/15751/2023

Subhash Rangnath Dabhade

VERSUS

The Jalna District Central Co Operative Bank Ltd
Through Its General Manager

...

Mr. P. M. Shinde, Advocate for Applicant

Mr. Y. K. Bobade, Advocate for Respondents

...

CORAM : R.M. JOSHI, J

DATE : JULY 11, 2024

PER COURT :

1. This application is filed for withdrawal of 25% amount deposited by Respondents/Original Petitioners pursuant to order passed by this Court dated 11.01.2024. Amount is deposited as per the order of the Court. No say is filed to this application on behalf of Respondent.

2. Perusal of the record indicates that Applicant is already superannuated. He is litigating proceedings against Respondents since 2008. He had successfully challenged termination order in complaint (ULP) no. 4/2009. Respondent Bank reinstated him by withholding one increment. But on the same charges her was

terminated on 30.09.2011. This termination is challenged by filing complaint (ULP) No. 16/2011 which is allowed with reinstatement & 50% back wages. In Writ Petition No. 64/2013, this Court directed Respondent to pay 100% back wages. Union of employees filed complaint (ULP) No. 64/2011 for claiming increments, which complaint is partly allowed on 28.10.2014. Applicant filed complaint (ULP) No. 251/2016 seeking monetary and consequential benefits. By judgment dated 27.07.2023, Industrial Court partly allowed complaint. This Court has directed Petitioner Bank to deposit 25% amount due and payable to Applicant under said order. The copies of the orders placed on record show that for the purpose of recovery of the amounts directed by the Industrial Court, contempt proceedings were required to be initiated.

3. Learned Counsel for Respondents has opposed the withdrawal of the amount deposited in this Court but having regard to the *prima facie* facts and circumstances of the case and perusal of the impugned order coupled with age of Applicant and litigation foisted upon him for years, case is made out by the

Applicant for withdrawal of the said amount. Since the amount deposited is only 25% of the total claim granted in favour of the Applicant and also in view of the fact that the Applicant has superannuated, he is permitted to withdraw the amount on submitting usual undertaking that in case Petitioner succeeds in Petition, amount withdrawn would be returned.

4. In view of above, Application stands allowed in terms of prayer clause 'B' subject to furnishing undertaking stated above.

(R. M. JOSHI, J.)

Malani