



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CIVIL APPLICATION (CAW) NO.287 OF 2024

IN

WRIT PETITION NO.2627 OF 2012 (D)

Chunnilal s/o Khushalrao Thakre and ors.

-vs-

Municipal Council Gondia, Thr. Chief Officer, Ganj Bazar Road, Gondia and ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and the Registrar's orders.

Court's or Judge's Orders.

Shri Sanjay M. Patrikar, Advocate for petitioners/applicants.
Shri N. S. Rao. Assistant Government Pleader for respondent Nos.2 and 3.

CORAM : NITIN W. SAMBRE AND ABHAY J. MANTRI, JJ.

DATE : March 11, 2024

1. We have heard the learned counsel for the applicants/claimants.
2. The prayer is for permission to withdraw proportionate amount deposited by the respondent-Municipal Council, Gondia towards arrears of 5th and 6th Pay Commission in relation to the petitioners employees.
3. It is brought to our notice by the learned counsel for the applicants that petitioner Nos.2, 3, 4, 9 and 12 have already expired. As such the applicants/legal heirs be permitted to withdraw the amount.
4. In support of aforesaid contention, our attention is invited to the order dated 11/03/2011 whereby the amount was directed to be deposited in this Court so also the order dated 05/01/2024 passed by this Court on Civil Application No.2710/2022 permitting withdrawal of aforesaid amount on furnishing undertaking.
5. The learned Assistant Government Pleader states that in the interest of justice the Court may pass appropriate orders.
6. As regards the status of the claimants/applicants that of legal heirs of the deceased employees is concerned, there is no material to infer or draw a conclusion that they are legal heirs of the deceased

petitioners/employees. However, as the writ petition is disposed of, we deem it appropriate to permit the claimants/applicants to withdraw the amount deposited in this Court with accrued interest, provided they shall indemnify to that extent before the Registrar (Judicial). The Registrar (Judicial) shall permit proportionate withdrawal of the amount subject to condition as has been incorporated by this Court in paragraph 5 of the order dated 05/01/2024 passed in Civil Application No.2710/2022 which reads thus :

“ 5) As such, we permit the petitioners to withdraw the amount of Rs.12 Lakhs deposited in this Court. The petitioners shall give an undertaking that in case an issue as regards the entitlement to the said amount is cropped-up, they shall indemnify the respondent No.1.”

7. Order accordingly. Civil Application is allowed and disposed of.

(Abhay J. Mantri, J.)

(Nitin W. Sambre, J.)