



**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

**61 CIVIL APPLICATION NO. 3925 OF 2025
IN WP/10416/2023**

**NARAYAN MARUTI KANTHALE
VERSUS
DIVISIONAL CONTROLLER M. S. R. T. C. AHMEDNAGAR**

...
Mr. Wagh Ishwar Kalyan, Advocate for Applicant
Mr. B. S. Deshmukh, Advocate for Respondent (through VC)

**WITH
WRIT PETITION NO. 10416 OF 2023**

....

CORAM : S. G. CHAPALGAONKAR, J.

DATE : 08.07.2025

PER COURT :-

IN CIVIL APPLICATION NO.3925 OF 2025

1. The present application is filed seeking permission to withdraw amount of Rs.6,85,176/- (Rupees Six Lakh Eighty Five Thousand One Hundred Seventy Six Only) deposited by respondent-MSRTC as per order dated 26.02.2025 passed by this Court.

2. Learned Advocate appearing for applicant submits that applicant was in service with respondent-MSRTC. He was subjected to domestic inquiry and ultimately he was terminated from service vide order dated 16.03.2007. Applicant filed dispute No.49 of 2012 before Labour Court at Ahmednagar seeking declaration against illegal termination. Learned Labour Court allowed dispute and directed

respondent-MSRTC to reinstate applicant in service but without back wages. Therefore, applicant challenged order in writ petition No.13093 of 2017. This Court after considering grievance of petitioner remitted matter back to Labour Court for fresh decision as to entitlement of appointment to receive back wages. Labour Court on fresh consideration held applicant entitled for full back wages and accordingly allowed reference filed by applicant vide order dated 11.01.2022. The said order is assailed by respondent-MSRTC in thi writ petition No.10416 of 2023. This Court while granting *ad interim* stay to order of Labour Court, directed MSRTC to deposit 50% of amount of back wages. Accordingly, amount of Rs.6,85,176/- (Rupees Six Lakh Eighty Five Thousand One Hundred Seventy Six Only) is deposited with Registry of this Court. Applicant seeks permission to withdraw the said amount.

3. Looking to the reasons as incorporated in order of Labour Court and fact that only 50% amount of back wages is deposited by respondent-MSRTC, applicant can be permitted to withdraw some amount subject to certain conditions.

4. In result, following order is passed:

::ORDER::

- a. Civil application is **partly allowed**.

b. Applicant is permitted to withdraw amount of Rs.4,00,000/- (Rupees Four Lakh Only) on furnishing usual undertaking to the satisfaction of Registrar (Judicial) of this Court.

c. Rest of the amount shall be kept in fixed deposit, till disposal of writ petition.

5. Post writ petition for further consideration on **06.08.2025**.

6. Parties to note that writ petition shall be heard finally at the stage of admission.

[S. G. CHAPALGAONKAR, J.]

HRJadhav