



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 7553 OF 2024
IN WP/4613/2024

Suresh Tulshiram Bhalerao

VERSUS

Dr. Babasaheb Ambedkar Nagari Sahakari Bank Ltd And
Others

- Mr. M. D. Shinde, Advocate for the Applicant
- Mr. S. S. Thombre, Advocate for the Respondents

CORAM : R. M. JOSHI, J

DATE : MAY 05, 2025

PER COURT :

1. This application is filed for withdrawal of amount of Rs. 11,43,493/- deposited by Respondents along with accrued interest. It is the case of the Applicant who is Original Complainant in Complaint ULP No. 74/2013 filed under the provisions of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971 (for short '**the Act**') challenging order dated 27.04.2018. The said complaint came to be partly allowed and instead of reinstatement, Applicant was granted compensation of Rs. 1 lacs. Being aggrieved by the said judgment and order dated 27.04.2018 passed in complaint ULP No.

74/2013, both Applicant and Respondent preferred Revision Applications bearing Nos. 45/2018 and 52/2019 respectively. The Industrial Court partly allowed Revision and permitted reinstatement of the Applicant – Complainant with 75% back wages. This Court by order dated 03.05.2024 has directed Petitioner to deposit amount of back wages in this Court. Pursuant to the said order, a sum of Rs. 11,43,493/- came to be deposited by Respondents.

2. Learned Counsel for the Applicant submits that the learned Labour Court has recorded the finding that charges against complainant are not proved, however, the order of reinstatement was not granted which order has been rightly corrected by the learned Revisional Court. He further drew attention of the Court to the specific statement made before the Labour Court with regard to complainant being not gainfully employed during relevant period.

3. Heard learned Counsel for Respondent. Respondent/Original Petitioner filed reply. It is contended therein that Applicant has secured home loan and the same is not repaid. Recovery certificate indicates that home loan amount of Rs. 7,30,678/- with

10% interest is relied upon.

4. Learned Counsel for Applicant submits that on the previous date of hearing a suggestion was made by the Applicant, on instructions, that the entire amount be permitted to be withdrawn so that the amount payable towards home loan can be paid to the Respondents. This statement was not positively responded on behalf of Respondent/Original Petitioner.

5. Considering the aforestated facts wherein there is a specific finding recorded by the Labour Court with regard that there being no proof of misconduct committed by Complainant/Applicant herein and since a statement is made by the Complainant that he being not gainfully employed and *prima facie* there is appearing no evidence led by the employer indicating Applicant being gainfully employed, Applicant has good case on merits. The grievance of Respondent can be taken care by permitting Applicant to withdraw 50% amount deposited in this Court along with interest.

6. In view of above, application is partly allowed. Applicant is permitted to withdraw 50% amount

with interest deposited in this Court by Respondent
/Original Petitioner on usual undertaking.

(R. M. JOSHI, J.)