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965-WP-1292-2021

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

965 WRIT PETITION NO. 1292 OF 2021

The Chief Executive Officer Osmanabad Janta Sahakari Bank Ltd

Tuljapur

VERSUS

Vyankatesh Pandurang Govardhan

WITH

CIVIL APPLICATION NO. 6543 OF 2024

IN WP/1292/2021

WITH

WRIT PETITION NO. 1301 OF 2021

WITH

WRIT PETITION NO. 1319 OF 2021

WITH

WRIT PETITION NO. 1296 OF 2021

WITH

WRIT PETITION NO. 1293 OF 2021

WITH

WRIT PETITION NO. 1304 OF 2021

WITH

WRIT PETITION NO. 1312 OF 2021

WITH

WRIT PETITION NO. 1315 OF 2021

WITH

WRIT PETITION NO. 1306 OF 2021

WITH

WRIT PETITION NO. 1295 OF 2021

WITH

WRIT PETITION NO. 1305 OF 2021

WITH

WRIT PETITION NO. 1328 OF 2021

WITH

WRIT PETITION NO. 1313 OF 2021
WITH
WRIT PETITION NO. 1310 OF 2021
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WRIT PETITION NO. 1325 OF 2021
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WRIT PETITION NO. 1324 OF 2021
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WRIT PETITION NO. 1314 OF 2021
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WRIT PETITION NO. 1297 OF 2021
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WRIT PETITION NO. 1320 OF 2021
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WRIT PETITION NO. 1327 OF 2021
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WRIT PETITION NO. 1323 OF 2021
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WRIT PETITION NO. 1322 OF 2021
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WRIT PETITION NO. 1298 OF 2021
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WRIT PETITION NO. 1318 OF 2021
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WRIT PETITION NO. 1302 OF 2021
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WRIT PETITION NO. 1299 OF 2021
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WRIT PETITION NO. 1300 OF 2021
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WRIT PETITION NO. 1317 OF 2021

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WRIT PETITION NO. 1309 OF 2021
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WRIT PETITION NO. 1311 OF 2021
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WRIT PETITION NO. 1329 OF 2021
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WRIT PETITION NO. 1303 OF 2021
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WRIT PETITION NO. 1308 OF 2021
WITH
WRIT PETITION NO. 1321 OF 2021

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Mr. A. N. Irpatgire, Advocate for the Petitioners.

Mr. A. V. Patil (Indrale), Advocate for Respondent.

CORAM : KISHORE C. SANT, J.

DATE : 29th APRIL 2025

PC :-

1. Heard Mr. Irpatgire, the learned Advocate for the Petitioner and Mr. Patil, the learned Advocate for Respondent for quite some time.
2. Now, there appears to be dispute about the exact calculation of the amount deposited in this Court pursuant to interim order dated 22nd February 2024 passed by this Court.

3. It is the case of the respondents-employees that as per the the proper calculation, the amount of dues is Rs.5,62,00,000/- whereas the petitioner has deposited only amount of Rs.2,44,39,064/-. While depositing the amount, the petitioner has not calculated the amount of interest as directed by the trial Court and by this Court. The petitioner has also not deposited the amount of costs. He further submits that this petitioner has paid the amount to other employees, who have not approached any court of law.

4. In the meantime, the respondents moved the learned Industrial Court, Latur stating that though this Court has granted stay subject to condition of depositing the amount with interest and since the petitioner has not deposited the amount by properly calculating the amount as directed by this Court, the stay is automatically vacated. The learned Member, Industrial Court, therefore, by order dated 19th April 2025 has proceeded with the execution proceeding.

5. As against this, the learned Advocate for the petitioner submits that the amount is paid to such of the employees, who have accepted the said amount towards full and final settlement and those who have not

approached the Court at all. In few cases, though the said employees approached the Court, however, they have undertaken to withdraw all the proceeding pending against bank and, therefore, the amount is paid to them.

6. This Court, thus, finds that the petitioner, on the one hand, have accepted the entitlement of the persons, who have not come to this court or who have withdrawn the proceeding. On the other hand, the petitioner is not ready to pay to the present respondents-employees only because they are before the Court.

7. Considering above, this Court finds that the following arrangement would be in the best interest of both the parties. Hence, following order:-

ORDER

(i) The petitioner to pay the amount to the present respondents as paid to the persons who did not approach any court of law or who have settled the matter with the bank, subject to outcome of this petition.

(ii) Subject to above arrangement, there shall be stay to the recovery proceeding pending before the learned Industrial Court.

- (iii) Place the petition for admission on board dated 18th June 2025.
- (iv) The petitioner to give the calculation of the amount as per the parity. On giving that, office to allow the respondents to disburse the amount deposited in this Court considering the parity. Chart to be given within three weeks from today.
- (v) Subject to that, Respondents not to proceed with recovery till disposal of the petition.

[KISHORE C. SANT, J.]