



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

**Civil Application No.1658 of 2025**

**in**

**Writ Petition No.8180 of 2023**

*The Chief Executive Officer, Zilla Parishad, Buldhana and others*

*vs.*

*Bhaskar Devidas Wankhede and others*

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

*Court's or Judge's Orders*  
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*Mr. P.B. Patil, Advocate for the Applicants/Respondents.*

*Mrs.V.G. Khadekar, Advocate for the Non-Applicants/Petitioners.*

**CORAM : PRAFULLA S. KHUBALKAR, J.**

**DATE : 22<sup>nd</sup> AUGUST, 2025.**

Heard the learned Counsel for the parties.

02. This is an application filed by the applicants/respondents seeking withdrawal of the amount deposited by the non-applicants/petitioners in accordance with order dated 19/12/2023 passed by this Court.

03. Mr. Patil, learned Counsel for the respondents submits that the petitioners have challenged the order passed by the Industrial Court directing the petitioners herein to give benefits of permanency to the respondents. It is pointed out that in the complaint case before the Industrial Court, the Zilla Parishad has categorically stated on affidavit that considering the services of the employees on daily wages by letter dated 24/10/2013, the names of these employees were forwarded as per Kalelkar Award to the Commissioner, Amravati Division, Amravati for making a proposal for giving them the entitlements and the benefits. It is also pointed out that the Industrial Court has categorically observed that the respondents had worked for 20 years or more and in view of the

communications placed on record, it becomes clear that the proposal was forwarded by the Zilla Parishad to the Divisional Commissioner's Office, Amravati on 24/10/2013. It is, therefore, submitted that in view of the categorical findings of the Industrial Court, the employees are entitled for the benefits as per the Kalelkar Award and in view of the stand taken by the Zilla Parishad before the Industrial Court, the entitlements of the employees are not in dispute.

04. By way of this application, it is pointed out that 50% amount i.e. Rs.98,86,317/-, is deposited by the petitioners and the same is towards entitlement of the respondents/employees. It is submitted that some of the respondents are retired and respondent Nos.6 and 7 have expired and their legal representatives are in need of money. It is also submitted that since the amount is towards benefits of the employees, they may be permitted to withdraw the amount.

05. Advocate Mr. P.B. Patil also points out that the entitlements mentioned in the chart accompanied to the communication dated 29/05/2023, are by considering the basic pay of the respective employees, without adding the other benefits in the nature of increments and other entitlements and, therefore, the request for withdrawal is made without prejudice to the rights of the employees to raise claims for other entitlements.

06. Mrs. Khadekar, learned Counsel for the non-applicants/petitioners has opposed the application by submitting affidavit-in-reply dated 18/08/2025. She submitted that since the petition itself is pending consideration, withdrawal of the amount may not be permitted at this stage. She also submitted that in the event of decision of the petition in favour of the petitioners, there will be difficulty in recovering the amount.

07. It has to be noted that the amount deposited is 50% of the total entitlements of the employees, which is calculated up to October, 2022 as mentioned in the communication, dated 29/05/2023 issued by the Deputy Commissioner (Establishment), Commissioner Office, Amravati to the Government and thus in case the amount of entitlement till today is calculated, it will be much higher.

08. Having regard to the entire facts and circumstances, it will be in the interest of justice to allow the respondents/employees to withdraw part of the amount from the amount deposited. Hence, I pass the following order:

### **ORDER**

- i. The application is allowed.
- ii. The applicants/respondents are entitled to withdraw 50% of the amount deposited i.e. 50% of Rs.98,86,317/-, subject to furnishing an undertaking on affidavit before the Registrar (Judicial) that in case the petition succeeds, the amount will be deposited by them immediately.
- iii. The apportionment of the amounts be considered on the basis of the respective amount mentioned in communication dated 29/05/2023 and the accompanied chart (Annexure-R12), about which the learned Counsel for the respondents is directed to file on record a separate chart mentioning the apportionment with respect to each of the respondents.
- iv. The respondents to file necessary chart mentioning apportionment of respective respondents within one week from today and thereafter, the respective amounts be permitted to be withdrawn by each of the employees.

**Writ Petition No.8180/2023 :**

The matter was heard extensively and in view of the controversy involved, the matter is required to be heard finally at the stage of admission.

02. Put up the matter for further consideration on **11<sup>th</sup> September, 2025.**

03. The parties to note that the matter may be heard finally and request for adjournment will not be entertained.

**JUDGE**

*\*sandesh*