

IN THE HIGH COURT OF BOMBAY AT GOA

LD-VC-CW NO. 150 OF 2020

Lourdes Mascarenhas thr. her POA Joan
Mascarenhas

..... Petitioner

V e r s u s

Naval K. G. School & Ors.

..... Respondents

Mr. Kapil Kerkar, Advocate for the Petitioner.

Mr. G. Sardesai, Advocate for Respondent no.1.

Mr. P. P. Singh, Advocate for the Respondent no. 2.

Coram :- M. S. SONAK &
M. S. JAWALKAR, JJ.

Date : 14th October, 2020

P.C.

1. Heard Mr. Kerkar, learned Counsel for the petitioner, Mr. Sardesai, learned Counsel for the respondent no.1 and Mr. P. P. Singh, learned Counsel for the respondent no.2.

2. Mr. Kerkar, the learned Counsel for the petitioner, today, states that the petitioner does not have any records, however, it is quite clear as referred

in the previous orders, the claim of the petitioner will be in the range of approximately ₹65,000/- and not ₹ 19,00,000/- or thereafter.

3. Mr. Sardesai, learned Counsel for the respondent no.1 and Mr. P. P. Singh, learned Counsel for the respondent no.2 , submit that according to their calculations, the claim of the petitioner would be ₹64,866/- or ₹61,052/-.

4. The aforesaid figures correspond to the approximate amount of claim which is due to her from provident fund authorities.

5. Both, Mr. Singh as well as Mr. Sardesai, have absolutely no objection if the petitioner is paid an amount of ₹61,052/-.

6. Now, Shri Sardesai, learned Counsel, states that the payment of this amount will be made subject to any orders that may be passed in the petition instituted by the respondent no.1 before the learned Single Judge challenging, inter alia, the order dated 30.08.2018.

7. Since, now the amount has been narrowed down, we dispose off this petition by permitting the petitioner to withdraw the amount of ₹ 65,000/- from out of the amount deposited by the respondent no.2 in this Court. The respondent no.2 is granted liberty to withdraw the balance amount and retain the same with it. This amount will ultimately abide by the orders which will be made in the petition instituted by respondent no.1 before the learned Single Judge of this Court.

8. The Registry should pay the amount to the petitioner with its proper identification. Under no circumstances, this amount is to be paid to the Power of Attorney holder. Learned Counsel for the petitioner to identify the petitioner before the Court authorities.

9. Though, we are disposing off this petition, we cannot resist noting that the petitioner in the petition filed before the learned Single Judge, should have made the employees, whom these amounts are ultimately due, as respondents. If this amount of ₹ 65,000/- which is being paid to the

petitioner to be made subject to the orders in the said petition, then, it is only appropriate that this petitioner is heard in those proceedings.

10. Accordingly, this petition is disposed off in the aforesaid terms. There shall be no orders as to costs.

11. All concerned to act on the basis of an authenticated copy of this order.

M. S. JAWALKAR

M. S. SONAK, J.

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