

**BEFORE SMT. R.S. NIMBALKAR, MEMBER,  
INDUSTRIAL COURT, AT MUMBAI.**

**Complaint (ULP)NO.123 of 2021.  
(CNR No. MHIC01-000306-2021)**

Maharashtra Rajya Rashtriya  
Kamgar Sangh (INTUC),  
C/o.Rashtriya Mill Mazdoor Sangh,  
Mazdoor Manzil,G.D.Ambekar Road,  
Parel,Mumbai-400 012. ... Complainant.

V/s.

1. M/s. G4 Security Solution (India) Pvt. Ltd.  
2. Shri Amitabh Kundan,  
Director,  
M/s. G4 Security Solution (India) Pvt. Ltd.  
***Both at***-A/301, Ureka Tower,  
Bldg.No.7, Mind Space, Link Road,  
Malad(E),Mumbai-400 064. ... Respondents.

**O R D E R (Below Exhibit U-12)  
( 22.04.2025 )**

**01.** This is an application filed by the Complainant Union, praying for withdrawal of the deposited amount of Rs.12,07,000/- in this Court.

**02.** It is contended that the present Complaint is filed by the Complainant challenging the action of the Respondent Company of making illegal deductions in the wages of the concerned employees. After hearing both the parties, this Court

was pleased to pass Order restraining the Respondents from deducting the amount of Rs.3000/-, Rs.3500/- from the wages of the concerned employees and further the Respondents were also directed to deposit the deducted amount in the Office of this Court. It is contended that the Respondents are unnecessarily prolonging the matter and hence the present application is preferred for withdrawal of the deposited amount.

**03.** The Respondents, by filing their Reply at Exhibit C-11, opposed the application, contending that the application is filed with malafide intention and ulterior motive to harass the Respondents. Complainant is attempting to take away the deposited amount by backdoor method without allowing the matter to be decided finally, which is not at all permissible. The entitlement of the concerned employees is yet to be decided after trial of the matter and hence the prayer for withdrawal may not be allowed. The Interim Order nowhere grants permission to the Complainant to withdraw the deposited amount. No reason is mentioned for withdrawal of the amount. The Union has prayed that they be allowed to withdraw the amount and they will disburse the same to the concerned employees, which is not

permissible. The Complainant Union may swallow the same. Respondents denied that they are deliberately and intentionally prolonging the matter. Hence, prayed to reject the application.

**04.** The facts and facility demand the formulation of the points for determination together with my findings at the outset to be immediately reasoned out.

<u>Points</u>	<u>Findings</u>
1) Whether the Complainant has succeeded in making out a case for grant of permission to withdraw the deposited amount?	In the affirmative.
2) What Order?	As per final Order.

### **REASONS**

#### **AS TO POINTS NOS.1 AND 2:-**

**05.** Heard both sides, in the light of the available materials placed on record. I have minutely gone through the proceeding.

**06.** Admittedly, by Interim Order dated 25.06.2021 passed below Exhibit U-2, the Respondents are restrained from deducting any amount from the monthly wages of the concerned employees under the head of "other deductions". So also, the Respondents were directed to deposit the deducted amount from the wages of the concerned employees for the period September 2019 to April 2021.

**07.** Report of the accounts department was called. The said report reveals that the Respondents deposited an amount of Rs.11,91,748/- on 07.09.2021, which was kept in fixed deposit.

**08.** Though the Respondents have objected for withdrawal of the deposited amount, it is a fact that this Court has prima facie held the deductions to be illegal. Consequent upon the directions given in the interim order, the amount which was illegally deducted from the wages of the concerned employees has been deposited in this Court. The said deducted amount is part of the earned wages of the concerned employees and hence the deposited amount can be allowed to be withdrawn and paid to the concerned employees.

**09.** Considering the issues involved in the matter, the hearing of this Complaint can be expedited. Hence, I answer Point No.1 in the ***affirmative***.

**10.** In view of my finding on Point No.1, I proceed to pass the following Order:-

**ORDER**

- i) The Application at Exhibit U-12 is hereby allowed.*

- ii) Office to release the deposited amount of Rs.11,91,748/- alongwith the accrued interest thereon, to the Complainant Union upon identification within a period of 15 days.*
- lii) Complainant Union is directed to pay to the concerned employees the amount which was deducted from their wages, obtain their signatures on the receipts to that effect and file the original receipts in this Court immediately after disbursement of the amount.*
- iv) Matter is expedited.*
- v) Parties are directed to co-operate this Court in expeditious disposal of the matter.*
- vi) No order as to cost.*

*Date:- 22.04.2025.*

*(SMT. R.S. NIMBALKAR)  
Member,  
Industrial Court, Mumbai.*

*Skn/-*