

kps

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 3321 OF 1995
WITH
CIVIL APPLICATION NO.9227/2015 IN WP/3321/1995

OSMANABAD ZILLA DUDH UTPADAK S.S.LTD.
VERSUS
DATTATRAYA VENKATESH GUNDALE.

...

Advocate for Petitioner : Shri D.A.Mane.

Advocate for Respondent No.1 : Shri M.P.Tripathi.

...

CORAM: RAVINDRA V. GHUGE, J.

DATE :- 14th August, 2015

Per Court:

- 1 On 13.08.2015 I had passed the following order:-
 - “1. *This petition is of the year 1995. Matter is shown on Board. None has appeared for the petitioner / management.*
 2. *By Writ Petition No.2708 of 1996 the respondent / employee herein has challenged the judgment dated 25.11.1994 in Complaint (ULP) No. 399 of 1993 filed by the respondent, wherein he was granted reinstatement with continuity but without backwages. The same judgment is challenged in this petition.*
 3. *The Revision (ULP) No. 110 of 1992, filed by the petitioner herein was dismissed by judgment dated 17.4.1995, delivered by the Industrial Court.*
 4. *The petitioner preferred this petition. The respondent preferred Writ Petition No.2708 of 1996 and challenged both the judgments of the Labour Court and Industrial Court, praying for 100% backwages.*

5. *This Court, by its oral judgment dated 16.1.2009, has concluded by holding that, “ There is no reason to interfere with the impugned order. The Courts below had properly assessed the evidence and arrived at conclusion that the punishment imposed against the petitioner in respect of termination of his service was shockingly disproportionate to the allegations levelled against him and has directed his reinstatement. The orders passed by the Court below are legal and proper and do not call for any interference.”*
6. *The respondent, therefore, submits that considering the above observations, this petition deserves to be disposed off.*
7. *Since, none has appeared for the petitioner today, S.O. To 14.8.2015 for passing orders.”*

2 Shri Mane, learned Advocate has appeared on behalf of the Petitioner. Upon going through the oral judgment dated 16.01.2009 delivered by this Court in Writ Petition No.2708/1996, the Petitioner confirms that the challenge posed by the Respondent herein was considered by this Court and the observations were made by this Court on the punishment awarded to the Respondent and the conclusions drawn by the Courts below. The said Writ Petition was dismissed.

3 In the light of the above, I do not find that the challenge posed in this petition would survive in the light of the observations of this Court in the oral judgment dated 16.01.2009 in Writ Petition No.2708/1996.

4 This petition is, therefore, disposed of in the light of the
above said observations. Rule is discharged. Interim relief stands vacated.

5 The pending Civil Application does not survive and is
disposed of.

(RAVINDRA V. GHUGE, J.)