

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

WRIT PETITION NO. 455 OF 2015

Sambhaji s/o Madhav Dumne ... Petitioner

VERSUS

The Divisional Controller,
MSRTC Latur Division, Latur
& another ... Respondents

.....
Mr. B.R. Kedar , Advocate for petitioner
Mr. D.S. Bagul , Advocate for respondent Nos. 1 & 2

.....

CORAM : RAVINDRA V. GHUGE, J.

DATED : 22nd JANUARY, 2015

PER COURT :

1. After hearing the learned Advocates for the respective sides for quite some time, I had expressed my view that looking at the gravity of the misconducts alleged to have been proved against the petitioner and that two persons having lost their lives in the accident involving the bus driven by the petitioner, the litigating parties may explore the possibility of putting this dispute to end. It is a service matter and the petitioner is under the threat of dismissal by way of punishment.

2. The learned Advocate for the petitioner, therefore, submits today on instructions that since the petitioner has about 3 years left prior to attaining the age of superannuation, he would prefer an application along with a resignation letter for seeking exit from employment, provided the respondent/ Corporation protects his retiral benefits. It is clarified that the said statement is made on instructions.

3. Shri Bagul, learned Advocate appearing on behalf of the respondent/ Corporation submits that an application along with the resignation letter will have to be submitted by the petitioner. The same would be accepted and the petitioner shall stand retired from employment effective the date of acceptance of the resignation. Retiral benefits will be calculated taking the said date in to account.

4. Shri Bagul, learned Advocate further submits that the complaint (ULP) No. 21 of 2013 shall accordingly stand disposed off as having been withdrawn and this petition shall also be disposed off. The petitioner shall not claim any benefit either in terms of wages or employment benefits or any other such benefits are likely to have a direct or an indirect financial impact on the

respondent for the period from date of acceptance of resignation till the actual date of retirement.

5. Shri Kedar, learned Advocate for the petitioner submits that the petitioner is agreeable for such settlement. The petitioner shall submit his application and resignation letter along with the copy of this order on or before the 31st day of January, 2015. This petition be disposed off and complaint (ULP) No. 21/2013 shall be withdrawn by the petitioner within a period two weeks from the date of acceptance of his resignation.

6. In the light of the above, this petition is disposed off in terms of the statement recorded above. The petitioner shall accordingly submit his application and resignation letter on or before the 31st day of January, 2015. The respondent / Corporation shall issue the letter of acceptance of resignation within a period of fifteen days from the date of receipt of the resignation. Retiral benefits as may be calculated by the respondent, shall be paid to the petitioner as per the procedure. The petitioner shall accordingly file a purshis before the Labour Court, Latur along with the copy of this order, in complaint (ULP) No. 21 of 2013 and the Labour Court shall thereafter dispose off the complaint as having been withdrawn.

7. Needless to State, the petitioner shall continue in employment till the date the respondent/ Corporation accepts his resignation. Shri Bagul, learned Advocate for the respondent submits that in the event the petitioner fails to submit his resignation on or before the 31st day of January, 2015, the interim protection granted to the petitioner shall stand vacated thereafter. Learned Advocate Shri Kedar states that this condition is acceptable to the petitioner.

(**RAVINDRA V. GHUGE, J.**)