

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.2598 OF 1994

SHAIKH CHAND S/O SHAIKH MAHEBOOB

PETITIONER

VERSUS

THE STATE OF MAHARASHTRA
AND OTHERS

RESPONDENTS

None for the petitioner.

Mrs.Y.M.Kshirsagar, AGP for respondent Nos.1 and 2.

(CORAM : RAVINDRA V. GHUGE, J.)

DATE : 18/06/2015

PER COURT :

1. On 11/06/2015, this Court had noted as under :-

“1. This Court had noted the absence of the petitioner on 07/06/2010. On 08/07/2010, none appeared for the petitioner though a last chance was granted.

2. Even today, nobody has appeared on behalf of the petitioner.

3. This petition is of the year 1994 and is listed for final hearing.

4. As such, stand over to 18/06/2015 for final hearing. Petitioner to note that in the event none appears, this petition would be dismissed in default.”

2. This matter is shown on the final hearing board. None appears for the petitioner even today. Learned AGP appears for respondent Nos. 1 and 2.

3. With the assistance of the learned AGP, I have gone through the petition paper book. It is revealed from the record as under :-

- (a) The Medical Board, Aurangabad, comprising of two members and a President, came to a conclusion upon medically examining the deceased petitioner that his age was 43 years as on the date of the certificate 17/06/1988. He was held to be permanently incapacitated for further services of any kind in the Department to which he belongs.
- (b) The Respondent No.2 MSRTC passed an order dated 24/06/1988 terminating the services of the deceased petitioner w.e.f. 11/07/1988.
- (c) Thereafter, the deceased petitioner made representations on 30/08/1988, 19/01/1994 praying for being appointed as a 'Peon' as he was declared totally unfit to perform his duties as a 'Driver'.
- (d) The deceased petitioner preferred complaint (ULP) No.212/1988 under the MRTU and PULP Act, 1971.
- (e) By judgment and order dated 19/01/1994, the complaint was dismissed and the prayer put forth by the deceased petitioner seeking directions, to provide alternate employment, was rejected.
- (f) The petitioner filed this petition on 07/06/1994.
- (g) This petition was admitted by order dated 26/08/1994. No

interim relief was granted.

- (h) Under orders of this Court, the legal heirs of the deceased petitioner were brought on record as he passed away during the pendency of this petition.
 - (I) Though the deceased petitioner was terminated, he has erroneously challenged his termination before the Industrial Court, instead of approaching the Labour Court.
- (4) In the light of the above, it appears that the LR's of the deceased petitioner are not interested in prosecuting this petition.
- (5) As such, this petition is dismissed for non-prosecution.
- (6) Rule is discharged.

(RAVINDRA V. GHUGE, J.)