

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 2469 OF 1997

Maharashtra State Road Transport
Corporation, through its
Divisional Controller, Jalgaon.

..Petitioner

Versus

Laxman Bhagwan Patil,
age major, occ. Conductor,
R/o Pratibha Nagar, Navingaon,
Near Govt. Servants' Society,
Edlabad, Dist. Jalgaon.

..Respondent

...
Advocate for Petitioner : Shri M.K.Goyanka
Advocate for Respondents : Shri V.Y.Patil h/f Shri P.K.Joshi
...

CORAM : RAVINDRA V. GHUGE, J.
Dated: July 16, 2015
...

ORAL JUDGMENT :-

1. This petition was admitted by order dated 16.7.1998. Interim relief was granted to the petitioner in the nature of a stay only to the extent of payment of Rs.250/-.
2. The respondent joined the petitioner as a Bus-conductor. He was charge sheeted for mis-appropriation since 26 passengers travelling from Malkapur to Icchapur were found without tickets though an amount of Rs.221/- was collected by the respondent from the said Bus-passengers. After conducting a domestic enquiry the respondent was dismissed by way of punishment on 9.5.1994.

3. The respondent challenged his dismissal in Complaint (ULP) No. 61 of 1994. The enquiry was held to be proper, but the findings were branded as perverse. In the same judgment dated 19.9.1995, the Labour Court set aside the enquiry and further held that the petitioner did not prove the charges against the respondent in the Court and the punishment awarded is disproportionate. Consequentially, the complaint was partly allowed and the petitioner was directed to reinstate him in service with continuity without backwages. Rs.5,000/- by way of compensation was ordered. Back wages were denied since the respondent waived the backwages.

4. The Revision Petition No. 360 of 1995, filed by the petitioner was partly allowed and without interfering with the order of reinstatement, the compensation of Rs.5,000/- was reduced to Rs.250/-. This Court refused interim relief to the petitioner to the extent of reinstatement and continuity granted to the respondent.

5. It is informed, jointly, by the learned Advocates that the respondent was reinstated, was granted continuity of service, has superannuated on attaining the age of retirement on 31.5.2008 and has also been paid his retiral benefits inclusive of gratuity.

6. In the light of the subsequent developments and the petitioner having granted all the benefit to the respondent, I am not inclined to go in to the cause of action raised by the petitioner as it is clearly of academic interest.

7. Nevertheless, since this Court, by order dated 28.7.1997 had stayed the costs of Rs.250/-, the impugned judgment of the Industrial Court is modified and the imposition of costs is set aside.

8. The petition is, therefore, partly allowed and the Rule is made partly absolute in the above terms.

(RAVINDRA V. GHUGE, J.)

...

akl/d