

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 111 OF 1998

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

..Petitioner

Versus

Dattatraya Haribhau Lokhande,
age 42 years, Occ. Nil,
r/o Bori, Taluka Jintur,
District Parbhani.

..Respondent

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Advocate for Respondent : Shri M. P. Ambekar

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CORAM : RAVINDRA V. GHUGE, J.
Dated: October 08, 2015

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ORAL JUDGMENT :-

1. This petition was admitted by order dated 15.4.1998. Prior thereto, by order dated 12.1.1998 ad-interim relief in terms of prayer clause (d) was granted to the petitioner, which reads as under:-

“(d) Pending the hearing and final disposal of this writ petition, the execution, operation and implementation of the judgments and orders dated 6th June, 1997 passed by the learned Judge, Labour Court, Jalna in Complaint (ULP) No.46 of 1995 and that of the learned Member, Industrial Court, Jalna in Revision Petition (ULP) No.37 of 1997, decided on 15.10.1997 be ordered to be stayed.”

2. The said relief was continued after admitting the matter by order dated 15.4.1998.

3. Even at the second call, none appeared for the petitioner today.

4. This matter is of the year 1998.

5. I have considered the grounds raised by the petitioner in the memo of the petition and I have also gone through the impugned judgments and the record available.

6. The petitioner has challenged the conclusions of the Labour Court of granting a fresh appointment to the respondent. The petitioner has also assailed the judgment of the Industrial Court dated 15.10.1997 by which the Revision was dismissed.

7. The respondent was appointed as a Security Guard in 1977. On account of serious charges of abusive and disorderly behaviour, a charge sheet was served upon him and an enquiry was conducted as per the Discipline and Appeal Rules of the petitioner. A second show cause notice dated 12.11.1986, proposing the punishment of dismissal from service was issued to the respondent who approached the Labour Court and filed a Complaint (ULP) No.109 of 1986. By interim orders, he was protected against dismissal. Subsequently, he was dismissed from service by order

dated 16.3.1995 with effect from 17.3.1995.

8. The respondent then preferred Complaint (ULP) No.46 of 1995. All the issues inclusive of the fairness of the enquiry and the findings of the enquiry officer were decided together. By judgment dated 6.6.1997, the respondent was granted fresh appointment as a Security Guard. The Labour Court concluded that the enquiry was conducted in a fair and proper manner and the misconduct was duly proved in the enquiry. On proportionality of the punishment the Labour Court granted the respondent a fresh appointment.

9. The Revision (ULP) No.37 of 1997 filed by the petitioner was dismissed by the impugned judgment.

10. Learned Advocate for the respondent submits that he was appointed as a fresh security guard by the petitioner. He has continued on the said post and has finally retired from service on 1.12.2010.

11. In the light of the subsequent events and the categorical statement made by the learned Advocate for the respondent that he was reinstated by the petitioner and has retired from service, I find that this petition is rendered of an academic interest. No purpose would be served by reopening the issue, five years after the respondent has retired from the service.

12. This petition is, therefore, dismissed. Rule is discharged.

(RAVINDRA V. GHUGE, J.)

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akl/d