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

WRIT PETITION NO. 4092 OF 2015

UTTAM SOPANA RANSINGH
VERSUS
MAHARASHTRA STATE ROAD TRANSPORT CORPORATION,
AHMEDNAGAR

...

Advocate for Petitioner : Shri Barde Parag Vijay

Advocate for Respondents : Shri Deshmukh Bhausaheb S.

...

CORAM: RAVINDRA V. GHUGE, J.

DATE :- 28th August, 2015

Per Court:

1 This matter was heard for sometime.

2 Shri Barde, learned Advocate appearing for the Petitioner, specifically indicates that a similarly situated employee Mr.A.H.Vitakar, who has also passed the departmental examination on 22.10.2012, was transferred on 17.07.2014. He challenged his transfer in Complaint (ULP) No.77/2014. It is specifically submitted that the same Industrial Court by order dated 17.01.2015 has allowed the application for interim relief and the transfer of Mr.Vitakar has been stayed till the decision in the complaint.

3 The Petitioner stands on identical grounds and yet, the same Industrial Court rejects the application for interim relief by the impugned order dated 10.12.2014 in Complaint (ULP) No.88/2014.

4 Shri Deshmukh, learned Advocate for the Respondent, submits that the Petitioner in this case has not been transferred, but has passed the departmental examination and has been posted on promotion to Shrirampur, which is only 110 kilometres from his existing posting.

5 In the above backdrop, Shri Barde submits, on instructions, that the Petitioner, who is present in the Court, desires to withdraw this petition with liberty to either join the place of promotion at Shrirampur on 01.10.2015 or refuse the promotion. He be protected only till 30.09.2015. So also, the aspect of legal/ factual victimization be kept open as the Respondent has not challenged the order passed in favour of Mr.Vitakar. Shri Barde also prays that the complaint be expedited.

6 Shri Deshmukh submits that by keeping all the points open, the complaint may be expedited and the Petitioner shall either join on 01.10.2015 or exercise option of refusing promotion.

7 In the light of the above, the request made by the Petitioner is accepted. This Writ Petition is disposed of as withdrawn by recording the statement of the Petitioner that either he will join at Shrirampur on the promotional post on 01.10.2015 or may exercise an option of refusing promotion. The Petitioner shall be, therefore, protected till 30.09.2015.

8 Complaint (ULP) No.88/2014 shall be decided by the Industrial Court as expeditiously as possible and preferably on or before 30.04.2016.

9 All the contentions of the litigating sides along with the issue of legal/ factual victimization are kept open for the decision of the Industrial Court.

(RAVINDRA V. GHUGE, J.)