

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

LETTERS PATENT APPEAL ST. NO.17543 OF 2012
IN
WRIT PETITION NO.547 OF 1993

THE DIVL CONTROLER.M.S.R.T.C. AHMEDNAGAR.
VERSUS
SHAIKH HAMID SHAIKH NOOR.

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Advocate for Appellant. : Mr. Goyanka M.K.

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CORAM : R. M. BORDE & P.R. BORA, JJ.
Dated: July 30, 2015

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PER COURT :-

- 1) Heard. The appeal raises challenge to the order passed by learned Single Judge in Writ Petition No. 540 of 1992 decided on 13.2.2012.
- 2) The appeal is presented by the employer/MSRTC, challenging the order passed by the Labour court, allowing the Reference, directing the appellant/Corporation to reinstate the respondent/employee in service with continuity of service and to pay full back wages.
- 3) It is alleged that the respondent/employee has indulged in misconduct, and as such, he was proceeded within departmental enquiry and was removed from service.
- 4) The Labour court, after considering the relevant aspects, found that the enquiry against the respondent/employee has not been properly held and as such, directed quashment of the order passed by the employer/Corporation and issued directions to reinstate the respondent/employee in service with continuity of service

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and to pay full back wages.

5) In the year 1993, writ petition came to be presented, which came up for final disposal on 13.2.2012. During the intervening period, the employee was reinstated in service and stood retired on attaining the age of superannuation.

6) In view of these facts, the learned Single Judge of this court has properly exercised the discretion and directed the appellant/corporation to pay 50% back wages to the employee, thereby modifying the order passed by the Labour court in respect of payment of full back wages.

7) On perusal of the order passed by the learned Single Judge and since it is brought to our notice that the respondent/employee has retired on attaining the age of superannuation, long back, we do not propose to cause interference in the order passed by the learned Single Judge. The LPA is devoid of substance and the same stands dismissed.

(P.R. BORA, J.)

(R. M. BORDE, J.)

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