

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
CIVIL APPLICATION NO.9927 OF 2008 IN
CIVIL APPLICATION ST.NO.18013 OF 2008 IN
LETTERS PATENT APPEAL NO.4 OF 2001 IN
WRIT PETITION NO.4763 OF 2000

The Divisional Controller,
MSRTC, Jalgaon Division, Jalgaon

Applicant

Versus

Madhukar s/o Damu Bhalerao

Respondent

Mr.M.K.Goyanka, advocate for the applicant.
Mr.V.Y.Patil, advocate for the Respondent.

**CORAM : R.M.BORDE &
SUNIL P. DESHMUKH, JJ.**

DATE : 12th February, 2015

PER COURT:

These are applications seeking condonation of delay of 2039 days occurred in presenting the application for restoration of Letters Patent Appeal and application for setting aside the order dated 23.01.2003, passed by the Registrar, dismissing the appeal for want of prosecution.

Heard. Considering the contentions raised in the applications, both the applications deserve to be allowed and same are accordingly allowed. Delay of 2039 days occurred in presenting the application for restoration of LPA is condoned. The order passed by the Registrar dismissing the LPA is set aside and appeal is restored to its original number.

Both the Civil Applications stand disposed of.

**SUNIL P. DESHMUKH
JUDGE**

**R.M.BORDE
JUDGE**

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Appellant

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Mr.M.K.Goyanka, advocate for the appellant.
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PER COURT:

1 Heard learned Counsel for respective parties.

2 We have perused the order dated 22.11.2000, passed by the learned Single Judge in Writ Petition No.4763 of 2000. The learned Single Judge, while allowing the writ petition presented by the Respondent-employee, has directed his reinstatement, however, without any back wages. The Respondent-employee has been granted continuation in service.

3 It is noticed that in the year 2000, Respondent-employee was 50 years of age and as on today, he must have attained 65 years of age and must have retired on attaining the age of superannuation. It is not disputed that in pursuance to the order passed by the learned Single Judge, Respondent-employee was taken back in employment and he continued in employment

until his date of retirement. Considering these aspects, we do not find any reason to cause interference in the order passed by the learned Single Judge.

4 Letters Patent Appeal, as such, stands dismissed. Pending Civil Applications do not survive and stand disposed of.

SUNIL P. DESHMUKH
JUDGE

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R.M.BORDE
JUDGE