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

WRIT PETITION NO. 10375 OF 2013

THE EXECUTIVE DIRECTOR TO AND COMPETENT AUTHORITY
MAHARASHTRA STATE ELECTRICITY D
VERSUS
GYANOBA SAKHARAM KALE

...

Advocate for Petitioners : Mr.Godsay Satish M.

Advocate for Respondents : Mr.Shahane Pradeep L. a/w Mr.Shahane PP.

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 16th June, 2015

Per Court:

1 This Court (Coram : T.V.Nalawade, J., Vacation Court) had
passed an order on 27.12.2013 as follows:-

2] *“Heard learned counsel for the petitioner.
Seen the order made by Member, Industrial Court.
Learned counsel for petitioner argued for Stay to the
order. He submitted that the departmental enquiry is
almost completed and only report is to be submitted
to the competent authority who can take disciplinary
action. He submitted that the respondent will retire
on superannuation on 31/12/13 and the Stay will
create complications. This Court has expressed that if
due to order of Court like Stay, some action is
stopped, the delinquent cannot use that circumstance
for his benefit. However, in view of the circumstance
that the enquiry is complete, the Enquiry Officer is
allowed to submit the report to the disciplinary
authority. Only the final order is not to be passed till*

7/1/2014.

3] *Notice to respondent. Notice may be sent by RPAD and regular course. Hamdast is allowed in respect of RPAD notice. Notice is made returnable on 7/1/2014.”*

2 It is jointly submitted by Mr.Godsay, learned Advocate for the Petitioner and Mr.PL.Shahane along with Mr.PP.Shahane, learned Advocates for the Respondent, that the application for interim relief filed under Section 30(2) of the MRTU & PULP Act, 1971, below Exhibit U/2 in Complaint (ULP) No.103/2013 has been disposed of by the consent of the parties. As of today, there is no interim order in existence passed by the Industrial Court.

3 It is further jointly submitted that by the order of this Court dated 27.12.2013 reproduced above, the Respondent/Employee is protected. It is, therefore, submitted that Complaint (ULP) No.103/2013 may be decided within a time frame and since the charge-sheeted employee has already retired from service on attaining the age of superannuation and is not in need of any interim relief, the complaint could be decided on its own merits.

4 In the light of the above, Complaint (ULP) No.103/2013 pending before the Industrial Court, Jalna is expedited. The Industrial

Court is directed to decide the same on or before 30th January, 2016 by following due procedure laid down in law.

5 The litigating sides have assured this Court that they would extend the fullest cooperation to the Industrial Court, Jalna and shall not seek adjournments on frivolous or unreasonable grounds.

6 It is made clear that in deciding the controversy, the Industrial Court shall consider the law laid down by the Apex Court in the case of *Hindustan Lever v/s Ashok Vishnu Kate* reported in 1995(6) SCC 326, especially paragraphs 53 and 54 of the said judgment. Similarly, the Industrial Court shall consider the law as is laid down by this Court in the case of *MSRTC, Beed v/s Syed Saheblal Syed Nijam* reported in 2014 (III) CLR 547.

7 With the above directions, this Writ Petition is disposed of.

(RAVINDRA V. GHUGE, J.)