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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 11260 OF 2013

Maharashtra State Road Transport Corporation .. Petitioner

Vs.

Shri Vithal Bhigu Shedge .. Respondent

Mr.G.S.Hegde, Advocate for the Petitioner.

Ms.N.K.Bhosale i/b Yash Associates, Advocate for Respondent.

CORAM : R.G.KETKAR, J.

DATE : 03rd February, 2015

P.C. :

. Heard Mr. G.S.Hegde, learned Counsel for the petitioner and Ms.N.K.Bhosale, learned Counsel for the respondent. Rule. Ms.Bhosale waives service for the respondent. At the request and by consent of the parties, rule is made returnable forthwith and the petition is taken up for final hearing.

2. Mr.Hegde submitted that the petitioner is willing to offer alternate job viz. that of 'Security Guard' without adversely affecting his service conditions to his detriment to the respondent along with continuity of service with 25% back wages without any interest as per the order passed by the Labour Court. Ms.Bhosale, upon taking instructions from the respondent who is present in the Court, states

that respondent is agreeable for this proposal and the petition may be disposed of after recording the instructions received by Mr.Hegde. In view thereof, photocopy of communication dated 29/11/2014 addressed by the Deputy General Manager (Legal) of the petitioner to Mr.Hegde is taken on record and marked 'X' for identification. The identify card of the respondent is taken on record and marked 'Y' for identification.

3. In view thereof, the impugned order passed by the Labour Court stands substituted by following order.

- i) The petitioner shall offer alternate job viz. that of 'Security Guard' without adversely affecting his service conditions to his detriment along with continuity of service to the respondent within 2 weeks from today.
- ii) The petitioner shall give continuity of service and pay 25% back wages as per the order of the Labour Court without any interest.

4. The impugned order stands substituted accordingly.

5. Rule is made absolute in the aforesaid terms with no order as to costs.

(R.G.KETKAR, J.)