

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

WRIT PETITION NO. 251 OF 2002

Shri Mithailal Sheth	... Petitioner
v/s	
Shri Shivacharan Patel & anr.	... Respondents

Mr.K.P.Anilkumar for the petitioner.

None present for the respondent No.1.

CORAM: N.M. JAMDAR, J.

DATED : 17 DECEMBER 2015

PC.:

By order dated 27 June 2001, the Labour Court, Thane, answered Reference in favour of the Respondent No.1 and his oral termination dated 2 December 1989 was quashed and set aside and the Petitioner was directed to reinstate Respondent No.1.

2. Rule was issued in the petition on 12 June 2002 and Rule on interim relief was made returnable on 9 August 2002. That day, none appeared for Respondent No.1, no affidavit was filed by Respondent No.1. Counsel for the Petitioner had made a statement that the Petitioner is not seeking stay of the reinstatement and the direction to pay back wages was stayed. Thereafter, Respondent No.1 is served. None has appeared for Respondent No.1 throughout the proceedings. Since Respondent No.1 has not

appeared to collect the back wages since the year 2002, it is clear that he is not interested in seeking implementation of the impugned order. In the circumstances, there is no point in keeping the petition pending.

3. The writ petition is disposed of by quashing and setting aside the order passed by the Labour Court.

4. However, the Petitioner will not be entitled to withdraw the back wages deposited by the Petitioner for a period of sixteen weeks from today, in case any motion for setting aside this order is made by Respondent No.1.

(N. M. JAMDAR, J.)