

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

WRIT PETITION NO. 10596 OF 2015

Thane Municipal Transport Undertaking
& anr.

... Petitioners

v/s

Shri Gorakshanath Dagadu Gaikwad

... Respondent

Ms.Mandar Limaye for the petitioners.

None present for the respondent.

CORAM: N.M. JAMDAR, J.

DATED : 1 DECEMBER 2015

P.C.:

The Petitioner – Transport Undertaking, challenges the order of the Industrial Court dated 27 July 2015 allowing the application for interim relief filed by the Respondent and directing the Petitioner Undertaking to provide alternate employment to the Respondent and pay him wages as per the last for services as a driver. The order passed is an interim order in the Complaint. As far as direction to give alternate employment due to the disability of the Respondent is concerned, in paragraph 12 of the impugned order the learned Judge has recorded the statement of the Petitioner Undertaking that it is ready to do so. Therefore no fault can be found with this direction. Learned counsel for the Petitioner

submitted that the order of the Industrial Court may be construed as setting aside the order of stoppage of increment imposed by the Petitioner - Transport Undertaking upon the Respondent prior to the incident. However, the impugned order does not advert to the issue. Further it being an interim order, in case of any difficulty, either parties can always approach the Industrial Court for clarification, modification, etc. The writ petition therefore cannot be entertained and it is accordingly rejected.

(N. M. JAMDAR, J.)