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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION ST.NO.29297 OF 2015

Rajendra Gavit & Ors. ...Petitioners
vs.
State of Maharashtra & Ors. ...Respondents

Ms Neeta Karnik for the Petitioners
Mr.A.B.Vagyani, GP for the respondent Nos.1 to 4.
Mr.Shrishailya Deshmukh for respondent Nos.5 & 6.

CORAM : A.S.OKA, &
V.L.ACHLIYA, JJ.
DATE : OCTOBER 29, 2015

P.C.:

1 Heard the learned counsel for the petitioner, the learned Government Pleader for the respondent Nos.1 to 4 and the learned counsel for the respondent Nos.5 to 6. No reasons have been assigned for accepting the allegations made against the petitioners. Prima facie, it appears to us that the impugned order does not record any reasons. A very drastic action has been taken by the State Government of superseding the Board (5th respondent) established under the Maharashtra Labour Welfare Fund Act, 1953.

2 Hence, we issue Rule. Rule on interim relief is made returnable on 16th December 2015. The learned Government Pleader waives service for the respondent Nos.1 to 4. Learned counsel for the respondent Nos.5 to 6 waives service. There will be

ad-interim stay to the execution and operation of the impugned order till the next date.

MENTIONED AT THE END OF THE DAY

3 At 5.00 p.m., the learned Government Pleader mentions the matter. He tendered on record a communication dated 29th October 2015 signed by the Desk Officer of Industries, Energy and Labour Department of Government of Maharashtra. The learned Government Pleader states that Shri Pravin Gaikwad, the Desk Officer is personally present in the Court. On instructions, he states that the impugned order dated 15th October 2015 has been withdrawn and that a fresh reasoned order will be passed after giving an opportunity of being heard to the petitioners. We accept the said statement.

4 In view of the aforesaid statement made by the learned Government Pleader, writ petition does not survive and the same is disposed of on the ground that the impugned order has been withdrawn.

5 If the fresh order passed by the State Government be adverse to the petitioners, the same shall not be implemented for a period of two weeks from the date on which the order is served to the petitioners. All contentions on merits are kept open.