

HIGH COURT OF CHHATTISGARH, BILASPUR

WPL No. 182 of 2012

1. Chhattisgarh Infrastructure Development Corporation, Through Divisional Manager, Transport Deptt. CIDC, P.S. City Kotwali, Raipur Dist. Raipur C.G.
2. C.G. Infrastructure Development Corporation, Through Managing Director, Transport Deptt, CIDC, PS City Kotwali, Raipur, Distt Raipur, CG

---- Petitioner

Versus

1. Abdul Majid Khan S/o Late Shri Nabidad Khan, Raja Talab, Raipur District Raipur C.G.
2. Managing Director MPSRTC Habibganj, Bhopal MP

---- Respondent

For Petitioners	Mr. Majid Ali, Advocate
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Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

15/2/2016

Heard.

(2) Respondent No.1 was a conductor in the erstwhile M.P. State Road Transport Corporation. On allegation of misconduct, as he was found to allow the passengers to travel without tickets, a charge sheet was issued against him on 30.04.1990. In the enquiry, an order was passed on 12.07.1991 terminating him from services.

(3) The Labour Court initially allowed the claim of respondent No.1 on 25.09.1996, however, this order was set-aside by Industrial Court on

01.09.2005, against which, WPL No.2430 of 2008 preferred by the respondent was dismissed by the Single Judge on 28.04.2008 and thereafter, his WA No.129 of 2008 was also dismissed by the Division Bench on 08.07.2013.

(3) The present proceeding arises out of similar misconduct committed by the respondent, for which, another enquiry was conducted against him during pendency of the appeal before the Industrial Court.

(4) Since the respondent stands terminated and the said termination having attained finality in W.A. No.129 of 2008, learned counsel for the petitioner would submit that the issue raised in the present writ petition is rendered academic, however, liberty may be reserved in favour of the petitioners to assail the impugned order if in any judicial proceeding, the first termination is set-aside.

(5) Accordingly, the writ petition is disposed of with liberty to the petitioners to move afresh against the present impugned order, if the first termination order against respondent No.1 is set-aside in any judicial proceeding.

Sd/-

Judge

(Prashant Kumar Mishra)