

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.
APPELLATE SIDE JURISDICTION

WRIT PETITION NO. 5763 OF 1995

MAHARASHTRA STATE ROAD TRANSPORT CORPORATION,
THROUGH ITS DIVISIONAL CONTROLLER, AHMEDNAGAR
VERSUS
RAJU DNYANDEO GAWALI

...

Advocate for Petitioner : Mr. M. K. Goyanka.

Advocate for Respondent : Mr. A. P. Deshmukh, h/f Mr. A. D. Hon.

...

CORAM : **P. R. BORA, J.**

DATE : 04th July, 2016.

ORDER:

. When the present writ petition is taken up for hearing, the learned counsel appearing for the Petitioner submitted that in Writ Petition No.5761 and 5762 of 1995, which were filed against the same judgment and award passed by the Industrial Court against which the present writ petition is filed, this Court vide order passed on 15th April, 2011 had allowed the said writ petitions and had set aside the impugned judgment by remitting the matter back to the Industrial Court, Ahmednagar. A copy of the judgment delivered by this Court on 15th April, 2011 in the aforesaid writ petitions is placed on record.

2 The learned counsel appearing for the Respondent do not dispute the fact so stated by the learned counsel for the Petitioner.

Both the learned counsel state that similar order needs to be passed in the present petition, which has been passed in Writ Petition No.5761 and 5762 of 1995.

3 In view of the submission so made and after having gone through the judgment delivered by this Court in the aforesaid writ petitions, I do not see any reason to take any contrary view. Hence, the following order :

ORDER

- I. Writ Petition is allowed.
- II. The common judgment and order dated 28th September, 1995, passed by the Industrial Court, Ahmednagar, is quashed and set aside.
- III. The parties are directed to appear before the Industrial Court on 1st August, 2016 and to abide by its further instructions in the matter.
- IV. The Industrial Court shall attempt to decide the complaint on merits as expeditiously as possible and in any case by 31st October, 2016.

V. Rule made absolute in above terms.

VI. Pending civil application stands disposed of.

[P. R. BORA, J.]

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