

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.2842 OF 2000

Shaikh Amir Ali s/o Shaikh Noor Ali,
Age-56 years, Occu-Nil,
R/o Peer Burhan, Behind Ashok Nagar,
Nanded, District : Nanded

-- PETITIONER

VERSUS

1. Divisional Controller,
Maharashtra State Road Transport
Corporation,
Nanded,

2. Divisional Traffic Superintendent
(Default), Maharashtra State Road
Transport Corporation, Nanded

-- RESPONDENTS

Mr.R.R.Mantri, Advocate for the petitioner.
Mr.D.S.Bagul, Advocate for respondent Nos. 1 and 2.

(CORAM : RAVINDRA V. GHUGE, J.)

DATE : 21/11/2016

ORAL JUDGMENT :

1. The petitioner has challenged an interlocutory order dated 22/02/1999 passed by the Labour Court below Application Exhibit U-2 by which the petitioner had sought interim protection against the proposed punishment. By the impugned order, the application was rejected and the petitioner was not granted interim protection.

2. The petitioner has also challenged the judgment dated 10/09/1999 delivered by the Industrial Court in Revision (ULP) No.8/1999 by which the petitioner has sought quashing of the interim order of the Labour Court. By this judgment, the Industrial Court has dismissed the revision petition.

3. This Court, while admitting the petition on 17/07/2000, had passed a speaking order and by granting prayer clause "C" as interim relief, had directed the Labour Court to proceed with Complaint (ULP) No.60/1998 for final decision. Prayer clause "C" reads as under :-

"Pending hearing and final disposal of this writ petition before this Hon'ble High Court, the respondents may kindly be directed to reinstate and pay regularly the salary to the petitioner on the basis of last salary drawn by him."

4. The above prayer clause "C" granted by this Court was modified by the learned Appeal Bench in LPA No.72/2000 by order dated 07/09/2000 and by setting aside the direction of reinstatement, the MSRTC was directed to pay the monthly wages to the petitioner/employee. This relief was granted keeping in view that the prayer of this petitioner was that he should be protected during the trial before the Labour Court.

5. It is informed that the Labour Court has subsequently decided Complaint (ULP) No.60/1998 on 17/02/2001. The Revision Petition (ULP) No.23/2001 filed by the petitioner was dismissed by judgment dated 07/09/2001. The Writ Petition No.3879/2001 filed by the petitioner has also been dismissed by this Court on 22/02/2002. LPA No.77/2002 filed by the petitioner/employee was dismissed by the Appeal Bench on 09/07/2004.

6. In the light of the above, since the issue as to whether interim protection should have been granted to the petitioner during the pendency of the complaint does not survive and this petition has been rendered infructuous. Consequentially, this petition is disposed of and Rule is discharged.

(RAVINDRA V. GHUGE, J.)