

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 1943 OF 2015

RANSHINGH HARIDEO CHAVAN
VERSUS
THE SUPERINTENDING ENGINEER, NANDED AND OTHERS

...
Advocate for Petitioner : None present
AGP for Respondents 1 to 3 : Shri Bhagat N.T.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: July 20, 2016

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PER COURT :-

1. On 6.6.2016, a statement was made by the learned Advocate for the petitioner that the petitioner has passed away. He sought time to place the death certificate on record.
2. On 20.6.2016, since nobody appeared for the petitioner, this Court adjourned the matter to 27.6.2016 by way of a last chance.
3. On 27.6.2016, none appeared for the petitioner. The matter was adjourned to 13.7.2016 with the notice to the counsel for the petitioner that if steps are not taken, necessary orders will follow. Even today none appears for the petitioner.
4. In fact, on account of the death of the sole petitioner, this petition abates.
5. The impugned order of the Industrial Court dated 4.2.2015, dismissing the Complaint (ULP) No.12 of 2011 filed by the petitioner, clearly indicates in paragraph No.10 onwards that the original complainant had submitted a tender. Documents placed by the complainant on record at Exhibit U-20 indicated that the complainant had acquired the work order on the basis of the tender and he had received the payment by way of service charges.

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6. Exhibit U-15 dated 31.5.2007 was the correspondence between the parties which indicates that the work was given to the complainant through the tender in 1992-93 for sanitary work. Documents produced by the respondent at Exhibit C-14 to C-25, C-26(1) to (31) further indicate that it was only on tenders submitted by the complainant that he was allotted the tenders for sanitary and cleaning work. Based on documentary evidence, the Industrial Court had come to a conclusion that there was no employer - employee relationship between the petitioner and the respondent. The complaint was, therefore, untenable.

7. In the light of the above, notwithstanding that there is no merit in the petition, the same abates.

(RAVINDRA V. GHUGE, J.)

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