

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.8466 OF 2016

CHINTAMAN TARACHAND CHAVAN

PETITIONER

VERSUS

DIVISIONAL CONTROLLER, MSRTC,
JALGAON AND ANOTHER

RESPONDENTS

Mr.S.R.Patil, Advocate for the petitioner.

Mr.Manoj Shinde h/f Mr.M.K.Goyanka, Advocate for respondent Nos.
1 and 2.

(CORAM : RAVINDRA V. GHUGE, J.)

DATE : 11/08/2016

PER COURT :

1. This Court, after hearing the submissions of the learned Advocates for the respective sides, had passed the following order on 09/08/2016 :-

"1. After this matter was heard at length, this Court expressed it's view that it was not inclined to entertain the petition.

2. The learned Advocate for the petitioner submits on instructions that the matter may be kept tomorrow and the petitioner would tender a resignation letter which can be treated by the Respondent/ MSRTC as an application for voluntary retirement. He would waive all back-wages and the Respondent/MSRTC would consider his case for retiral benefits treating his resignation as accepted from the date of termination.

3. Stand over to 10/08/2016. The matter to appear at 2.30 p.m.”

2. The petitioner has tendered an application for filing his resignation letter duly verified alongwith his resignation letter dated 10/08/2016. The said documents (3 pages) are taken on record and marked as Exhibit “X” for identification.

3. Considering the above and without laying down any precedent, the request of the petitioner is accepted. The petitioner, will submit the resignation under his signature and thumb impression as like the one which is placed at page No.3 of Exhibit X. The respondent/ Corporation will therefore proceed to accept the resignation

4. After the said resignation is tendered to the respondent on or before 16/08/2016, the respondent would proceed to accept the same with effect from the date of dismissal of the respondent, which is 08/08/2009. Thereafter, the respondent would proceed to consider the case of the petitioner for payment of retiral benefits strictly in accordance with its rules/regulations and service conditions applicable to the petitioner.

5. Mr.Patil submits on instructions that in the light of this order, the petitioner shall withdraw Complaint (ULP) No.33/2009 from the Labour Court on or before 20/08/2016. In the event, there are any other proceedings in between the parties in relation to his service issues, respective parties would withdraw those proceedings, except the criminal proceedings.

6. This petition is, therefore, disposed of in the light of the above order.

7. In so far as the gratuity is concerned, since the criminal proceedings against the petitioner are pending before an appropriate Court of criminal jurisdiction, the Management can withhold the gratuity. In the event the petitioner is convicted, the respondent may pass appropriate orders under the Payment of Gratuity Act. In the event, the petitioner is acquitted and the criminal proceedings have finally concluded, the respondent shall then pay him the gratuity.

(RAVINDRA V. GHUGE, J.)