

JPP

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION***

WRIT PETITION NO. 1042 OF 1997

Administrator cum Commissioner,
Kalyan Municipal Corporation.

... Petitioner.

V/s.

Mr. Kashinath Krushna Sarnaik and Anr.

... Respondents.

None for the Petitioner.

None for the Respondents.

CORAM : N.M. JAMDAR, J.

DATE : 04 JANUARY, 2016.

P.C. :-

None for the Petitioner. None for the Respondents.
The order impugned is dated 30 November 1996. No appearance has been filed on behalf of the Respondents. The record of the Writ Petition is reconstructed. Perusal of the impugned order shows that inquiry was held against the Respondent No.1 who was working with the Petitioner – Corporation for misappropriation and his services were dismissed. It appears that the Labour Court has interfered with the order passed by the Commissioner on the ground that the punishment was disproportionate. No appearance is filed on behalf of the Respondents. It appears by passage of

time as far as the parties are concerned, the Petition has become infructuous and is disposed of accordingly. In case, the parties are able to demonstrate that the cause of action survives, it will be open for them to seek restoration of this Petition.

(N.M. JAMDAR, J.)