

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION (CAW) NO. 1030 OF 2015
AND

WRIT PETITION NO. 794 OF 2014.

(THE JOINT DIRECTOR, TECHNICAL EDUCATION GOVT. POLY. & 3 OTH...VS..YASHWANT
PUNDLIKRAO WARUDKAR & ANR.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri N.R. Rode, A.G.P. for Petitioners.
Shri S.G. Jagtap, Advocate for Respondent No.1.
Shri V.P. Gangane, A.G.P. for Respondent No.2.

CORAM : Z.A.HAQ, J.

DATED : JANUARY 12, 2016.

Heard learned advocates for the respective parties.

Shri S.G.Jagtap, learned advocate for the respondent No.1 has pointed out that the petition as filed is not maintainable as the petitioner No.4, whose transfer is challenged by the respondent No.1, cannot be co-petitioner with the petitioner Nos. 1 to 3.

Shri N.R. Rode, learned A.G.P. has submitted that the petitioner No.4 is inadvertently shown as petitioner. It is submitted that in fact, the petitioner No.4 should have been shown as the respondent. The learned A.G.P. prays that the petitioners be permitted to transpose the petitioner No.4 as respondent No.2(a). The learned advocate for the respondent No.1 has not opposed the oral request made by the learned A.G.P.

The petitioner Nos. 1 to 3 are permitted to transpose the petitioner No.4 as respondent No.2(a). The amendment be carried out forthwith.

On merits of the matter, the learned advocate for the respondent No.1 has submitted that the respondent No.1 has joined at the place of his transfer i.e. at Washim in compliance with the interim order passed by this Court on 12th February, 2014. It is undisputed that the respondent No.1 is working at Washim.

In these facts, in my view, the following order will sub-serve the ends of justice.

- i) The Industrial Court is directed to dispose the complaint filed by the respondent No.1 till 30th March, 2016.
- ii) The interim order passed by this Court on 12th February, 2014 shall continue till disposal of the complaint by the Industrial Court.
- iii) The learned advocate for the respondent No.1, on instructions, states that the respondent No.1 shall not press the criminal complaint pending before the Labour Court till the decision of the complaint by the Industrial Court.

The petition is **disposed of** in the above terms. In the circumstances, the parties to bear their own costs.

The order is passed without issuing notice to respondent No.2(a) and without hearing him as it will not affect the respondent No.2(a) in any manner.

If the Industrial Court feels it necessary, fresh notice be issued to the respondent No.2(a) Shri Anantrao B. Thakre.

JUDGE

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