

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Misc. Civil Application [Review] No. 100 of 2015
IN
Writ Petition No. 4679 of 2003 [decided]
[Bhaskar Janardhan Rasekar Vs. Visvesvaraya National Institute of
Technology & others]

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

Court's or Judge's orders

Mr. V.G. Bhamburkar, Adv., for the Application [original Respondent No.1].
 Mr. A.R. Patil, Adv., for Non-applicant no.1 [original petitioner].
 Ms. Rashmi Deshpande, AGP for respondent nos. 2 and 3.

- - - -

CORAM : R.K. DESHPANDE, J.

DATE : 29th April, 2016

Heard the learned counsels appearing for the parties.

The only grievance of the applicant in the present application is in respect of the following portion appearing in the Judgment and Order dated 27th October, 2014 passed by this Court in Writ Petition No. 4679 of 2003:-

“2]

.....Needless to say that it is always open for the petitioner to retrench the services to the respondent No.1 by following the provisions of Section 25-F and 25-G and other relevant provisions of the Act. The writ petition is therefore, accordingly, dismissed. All other questions are left open.”

It is not the direction of this Court to the respondent - Vishweshwarya National Institute of Technology [VNIT] to terminate the services of the applicant; but this Court has merely expressed that it is always open for the Vishweshwarya National Institute of Technology to retrench the services of the applicant by following the provisions of Sections 25-F and 25-G of the Industrial Disputes Act and other relevant provisions.

Shri Bhamburkar, the learned counsel appearing for the applicant, has invited my attention to the Order of Termination dated 05th November, 2014, issued by Vishweshwarya National Institute of Technology, terminating the services of the applicant, in compliance of the order passed by this Court, and has urged that the afore quoted portion is likely to come in the way of the Applicant in agitating his grievance before the Labour Court by moving a fresh complaint to challenge the termination dated November 05, 2014. It is, therefore, made clear that the observations made by this Court quoted above, shall not come in the way of the parties in prosecuting the independent remedy in accordance with law, and the order should not be construed as a direction

to the Vishweshwarya National Institute of Technology to terminate the services of the Applicant. The Labour Court shall be at liberty to decide the matter on its own merits, accordance with law.

Misc. Civil Application is disposed of.

Judge

|hedau|