

THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

C.C.C.A. No. 18 of 1999

JUDGMENT:

This appeal is filed by the defendant—M/s. Bata India Limited, aggrieved by the judgment dated 16.02.1998 in O.S.No.650 of 1995 passed by the learned IV Senior Civil Judge, City Civil Court, Hyderabad. The said suit was filed by the respondent/plaintiff seeking declaration against the appellant/defendant that his termination order dated 18.04.1995 issued by the appellant/defendant is *mala fide*, illegal and violative of principles of natural justice and to declare the period of termination of service to be treated on duty for calculating the consequential benefits. The suit was resisted by the appellant/defendant. After full-fledged trial, the trial Court decreed the suit in part declaring that the termination order dated 18.04.1995 issued by the defendants is illegal and violative of principles of natural justice; that during the period of termination of service, the plaintiff was entitled to salary only by treating the said period as on duty. The rest of the suit was dismissed.

Aggrieved by the decree and judgment, the defendant filed the instant appeal.

2) Today, learned counsel Sri K.Raghavendra Rao, representing Sri M.Gunneswara Rao, learned counsel for appellant is present. There is no representation for respondent/plaintiff.

3) Since the matter is an old one of the year 1999, the same is heard.

4) Learned counsel for appellant would fairly submit that even when the suit was pending, the appellant/defendant organisation reappointed the respondent/plaintiff and offered him a suitable job at Mumbai but he did not join and that apart, as per his information, the respondent/plaintiff is now out of country and residing in United States and though there was no stay order in the appeal, the respondent/plaintiff has not sought for execution of the decree and in view of all these circumstances, since there is no threat from the impugned decree and judgment, the appeal may be dismissed.

5) In view of the above submission, the appeal is dismissed without costs.

As a sequel, miscellaneous applications pending, if any, shall stand closed.

Date: 27.10.2016
scs

**U. DURGA PRASAD RAO, J**