

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 1018 OF 1998
(State & Oth. V/s. Murlidhar Sonkar)

Mr. N.T. Bhagat AGP for the petitioner-State
Mr. V.P. Latange, Advocate for the Respondent

(CORAM : Ravindra V.Ghuge, J.)

DATE : 16/06/2017

PER COURT :

1 Considering the order passed by this Court on 16.06.2017 in Civil Application No. 4360/2017, this petition is restored and is taken-up for hearing forthwith at the request of the learned advocates.

2 I have heard the learned advocates for respective sides at length.

3 The petitioner-establishment has challenged an interlocutory order dated 19.06.1997, by which the Industrial Court has granted interim relief to the respondent in Complaint (ULP) No. 396/1996, thereby directing the petitioners that, they shall not superannuate the complainant from 30.11.1996.

4 By order dated 10.03.1998, the impugned order was

stayed and as such the petitioners have superannuated the respondent considering his date of birth 10.11.1942 as per its record. The respondent contends that the date of birth be corrected and 01.06.1943 should be entered as the correct date of birth and he be permitted to superannuate only after his superannuation as per his corrected date of birth.

5 Learned counsel for the respondent submits that the complaint is still pending.

6 The interim relief granted by this Court on 10.03.1998 as regards to the superannuation of the respondent has lost its efficacy. Shri. Latange, learned counsel for the respondent submits that the grievance in the complaint is still alive.

7 Considering the above, this petition is disposed-off with a direction to the Industrial Court Ahmednagar to decide complaint (ULP) No. 396/1996 on its own merits, as expeditiously as possible and preferably on or before 29.12.2017, if not already disposed off. Needless to state, the litigating sides would extend co-operation to the Industrial Court and would refrain from taking adjournments on unreasonable and frivolous grounds.

(Ravindra V.Ghuge, J.)