

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

920 WRIT PETITION NO. 3615 OF 1999

DIVISIONAL CONTROLLER M.S.R.T.C. DHULE
VERSUS
BHASKAR BALIRAM MARATHE

...

Advocate for Petitioner : Mr. D S Bagul

CORAM : P.R.BORA, J.

DATE : 27th April, 2017.

PER COURT :

1) Heard Shri Bagul, learned Counsel appearing for petitioner - Corporation. The petitioner Corporation has challenged the order dated 5th March, 1999 passed by the Labour court, Dhule in Complaint (ULP) No.357/1997. The respondent herein had filed the aforesaid Complaint challenging the order of dismissal passed against him. The learned Labour court, vide the impugned order, has directed the petitioner - Corporation to reinstate the respondent in service with continuity of service, however, without back wages.

2) Admittedly, no interim relief has been granted by this Court. Considering that the order which has been impugned in the present petition was passed in the year 1999 and thereafter the respondent herein is continued in service for more than 18 years, there appears no propriety now to enter into merits of the petition.

3) In view of the fact that there was no interim relief and as such the order of reinstatement was complied with and the respondent had worked and is still working with the ST Corporation, it would be wholly without propriety to set aside the impugned order. Assuming the worst case, even if the order is set aside, it would be further not possible for this Court to direct recovery of the wages paid to the respondent of the intervening period.

4) Considering the facts, as aforesaid, I reiterate that by efflux of time the issues

raised in the present petition challenging the impugned order, have rendered infructuous. As already stated the back wages were admittedly not granted to the respondent. Nothing is brought on record to show that after the respondent was reinstated, any further misconduct has been committed by him.

5) In view of the discussion, as above, the writ petition stands disposed of being infructuous. Rule discharged.

(P.R.BORA,J.)

bdv/