

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.4273 OF 1997

1. Maharashtra Rajya Pathyapustak
Nirmithi Va Abhyaskram Sanshodhan
Mandal, Through the Director,
'Balbharati',
Senapati Bapat Marg,
Pune - 411 004.
2. Depot Superintendent,
Pathyapustak Up-Bhandar Va Vitaran
Kendra, Sahakari Audyogik Vasahat,
Near Mayur Paints, At and Post : Latur,
Dist.Latur

-- PETITIONERS

VERSUS

Vilas Prabhakar Ausekar,
Age-36 years, Occu-Service,
R/o Khadak-Hanuman
At and Post : Latur

-- RESPONDENT

Mr.N.D.Sonawane, Advocate for the petitioners.
Mr.R.R.Suryawanshi, Advocate for the respondent.

(CORAM : RAVINDRA V. GHUGE, J.)

DATE : 12/01/2017

ORAL JUDGMENT :

1. The petitioner is before this Court for challenging the judgment of the Industrial Court directing conferment of benefits of permanency as a Watchman to the respondent / original complainant w.e.f. 01/07/1988.

2. This petition was admitted by order dated 10/10/1997 by recording the statement of the petitioner that they are prepared to confer status of permanency on the respondent from Jan.1997 onwards and if this is accepted by the respondent/employee, this petition can be disposed of.

3. The petitioner has placed on record a copy of the communication dated 14/12/2005 alongwith a communication from the respondent. It is stated in the said communication addressed to the learned Advocate that the respondent has been granted regularization as a Sevak and he has therefore been regularized. Copy of the letter received by the petitioner from the respondent on 02/12/2005 indicates that the respondent himself states that he does not desire to proceed with this case in the light of his regularization. Said letter is signed by two witnesses. These 2 documents are taken on record and collectively marked as Exhibit "X" for identification. Learned Advocate for the petitioners further submits that the son of the deceased respondent (who has passed away 3 years ago), has been appointed in the service of the petitioners on compassionate basis.

4. Learned Advocate for the respondent submits that the respondent has passed away 3 years ago and therefore he has no further instructions.

5. In the light of the above, considering the statement made, considering Exhibit "X" and taking into account the demise of the respondent, this petition is disposed of. Rule is discharged.

6. It is, however, made clear that in the event any legal heir of the deceased/respondent raises any dispute or grievance, the petitioners would not be rendered remediless.

(RAVINDRA V. GHUGE, J.)