

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 1758 OF 2015
(Ratilal Ramdas Patil, since deceased by his L.Rs.
Devabai and others Vs. Maharashtra State Road Transport
Corporation, Dhule)

Mr. S.U. Chaudhari, Advocate for the Petitioner
Mr. D.S. Bagul, Advocate for the respondent

CORAM : S.V. GANGAPURWALA AND
SANGITRAO S. PATIL, JJ.

DATE : 5th APRIL, 2017

ORAL ORDER :

Heard.

2. Mr. Chaudhari, the learned counsel for the petitioners submits that late Ratilal Ramdas Patil was in service with the respondent as a driver. He was wrongly suspended and lateron, his services were terminated. The said dismissal order was challenged before the Labour Court, Dhule in Complaint (ULP) No. 199 of 1987. The said complaint was allowed and the respondent was directed to reinstate late Ratilal in service with continuity. The Revision No. 175 of 1988 filed by the respondent before the Industrial Court was allowed. Aggrieved by the said order of the Industrial

Court, late Ratilal filed Writ Petition No. 4874 of 1992 before this Court, which was admitted and the operation of the judgment and order passed by the Industrial Court was stayed. In view thereof, late Ratilal was in employment. The deceased continued in employment till the age of his superannuation; however, the retiral benefits were not given to him. According to the learned counsel, late Ratilal was entitled for the same.

3. The learned counsel for the respondent submits that in another enquiry, late Ratilal was dismissed from service. The said dismissal order was not assailed. The order assailed before the Labour Court in Complaint (ULP) No. 199 of 1987 was different dismissal order passed in a different departmental enquiry. In another departmental enquiry also, the punishment of dismissal from service was imposed upon late Ratilal. Late Ratilal challenged the dismissal order in Complaint (ULP) No. 10 of 1992. The said complaint is dismissed.

4. We have considered the submissions canvassed by the learned counsel for the respective parties.

5. It appears that late Ratilal was dismissed from

service in another departmental enquiry and the said order was assailed by late Ratilal in Complaint (ULP) No. 10 of 1992. The said complaint was dismissed by the Labour Court, Dhule under its order dated 15th February, 2000. The record would show that the order relied on by the petitioners would be of no avail in view of the dismissal of late Ratilal in another departmental enquiry and the same being not set aside by the Labour Court.

6. In the light of above, certainly, late Ratilal nor his legal heirs (present petitioners) would be entitled for pension. In the affidavit-in-reply filed by the respondent, it is stated that the gratuity amount has been calculated by the office and the same would be paid within a period of four weeks. It is also stated in the affidavit that the amount of provident fund is already paid to the legal heirs of deceased Ratilal. Mr. Chaudhari, the learned counsel for the petitioners submits that the amount of gratuity is not paid as yet.

7. The amount of gratuity, if not paid earlier, shall be paid by the respondent to the legal heirs of late Ratilal expeditiously and preferably within three

months.

8. With the above directions, the Writ Petition is disposed of. No costs.

[SANGITRAO S. PATIL]
JUDGE

[S.V. GANGAPURWALA]
JUDGE

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