

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 6024 OF 1999

MAHARASHTRA STATE ROAD TRANSPORT CORPORATION, JALNA.
VERSUS
ABDUL RAZZAK SHAIKH AHMED

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Advocate for Petitioner : Shri A.B.Dhongade.

Advocate for Respondent : Shri P F Patni.

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 11th May, 2017

Per Court :

1 The Petitioner/ MSRTC is aggrieved by the judgment of the Industrial Court dated 04.05.1999 by which Revision (ULP) No.35/1995 filed by the Respondent/ Employee was allowed. Consequentially, the judgment and order dated 15.06.1995 delivered by the Labour Court in Complaint (ULP) No.55/1989 was quashed and set aside and the order of dismissal dated 07.08.1989 was quashed.

2 I had heard the learned counsel for the Respondent at length on 09.05.2017. The matter was adjourned to this date in order to enable the learned counsel for the Petitioner to conduct this petition.

3 The learned counsel for the Petitioner has strenuously criticized the impugned judgment. He submits that an accident had taken place on 23.08.1988 when the Respondent/ Driver was driving the ST Bus on Mumbai-Ambad route. Because of his rash and reckless driving, two pedestrians, who were pulling a handcart, died on the spot and the bus suffered damages. After conducting a domestic enquiry against the Respondent, he was dismissed from service by order dated 07.08.1989. The Respondent had approached the Labour Court by filing the ULP complaint which was dismissed on 15.06.1995.

4 The learned counsel for the Petitioner, therefore, submits that when the revisional jurisdiction of the Industrial Court under Section 44 of the MRTU & PULP Act, 1971 is limited, it could not have overturned the finding on facts and could not have granted the relief of reinstatement in service with continuity. The back-wages were not ordered as the Respondent was already in service due to the interim orders and was getting his regular pay.

5 Considering the strenuous submissions of the Petitioner, I could have gone into the aspect of whether, the impugned judgment was perverse or erroneous. However, it is undisputed that the Respondent was acquitted by the criminal court in STC No.1485/1988 by the judgment

dated 06.12.1988. It was established before the criminal court that the Respondent did not collide with the handcart and there was no question of causing the death of two pedestrians. It was established that some other vehicle had dashed the handcart and had fled away as is submitted by the learned counsel for the Respondent and the death of two persons had not occurred because of the dash of the Respondent's bus.

6 Consequentially, the Respondent was reinstated in service by the Petitioner/ MSRTC. Though this Court, by order dated 24.12.1999, had stayed the judgment of the Industrial Court, the Respondent continued in service. Subsequently, he has retired from employment and according to the learned counsel for the Respondent, he has been given retiral benefits.

7 In the peculiar facts as recorded above and only because the impugned judgment of the Industrial Court has already been complied with, that I am not entertaining this petition. The same is, therefore, dismissed. Rule is discharged.