

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

WRIT PETITION NO. 5347 OF 2001

MAHARASHTRA STATE ROAD TRANSPORT CORPORATION.
VERSUS
KANTILAL ANANDA KASAR

...

Advocate for the Petitioner : Shri M.K.Goyanka.

Advocate for the Respondent : Shri Ajinkya Deshmukh h/f Shri A.V.Hon.

...

CORAM: RAVINDRA V. GHUGE, J.

DATE :- 21st November, 2017

Per Court:

1 The learned Advocate for the Petitioner submits, on instructions, that insofar as the order of reinstatement and backwages is concerned, the petition filed by the Petitioner/ MSRTC bearing Writ Petition No.4565/1996 was disposed of on 10.02.2012 keeping in view that the Respondent/ Employee had retired after reinstatement on 31.05.1998 and was paid all retiral benefits. The challenge to his reinstatement, continuity and backwages was, therefore, not entertained by this Court.

2 He further submits that in the light of the above, this petition also becomes infructuous as the gratuity issue pertains to the services of the Respondent owing to the reinstatement.

3 Considering the above, this Writ Petition is disposed of. Rule
is discharged.

4 Needless to state, the amount of gratuity deposited, can be
withdrawn by the Respondent/ Employee along with accrued interest.

5 Since the learned Advocate for the Respondent is unaware
about the health status of the Respondent, recording his apprehension, it
is noted that in the event the Respondent is no more, his legal heirs would
be entitled to the said gratuity amount with accrued interest.

kps

(RAVINDRA V. GHUGE, J.)