

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 4795 OF 2002
WITH
CIVIL APPLICATION NO. 6658 OF 2005

The Divisional Controller,
Maharashtra State Road
Transport Corporation,
Jalgaon Division, Jalgaon.

..Petitioner

Versus

Vasant Jalam Chavan,
R/o Nageshnagar, Pachora,
District Jalgaon.

..Respondent

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Advocate for Petitioner : Shri M K Goyanka
Advocate for Respondent : Shri S S Shinde

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CORAM : RAVINDRA V. GHUGE, J.

Dated: November 22, 2017

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ORAL JUDGMENT:-

1. The petitioner / Corporation is aggrieved by the judgment and award 24.6.1999 delivered by the Labour Court, Jalgaon by which Complaint (ULP) No.2 of 1993 has been partly allowed. The petitioner is also aggrieved by the judgment of the Industrial Court dated 10.4.2001, by which, Revision (ULP) No. 783 of 1999 filed by the petitioner has been rejected.

2. The issue before this Court is with regard to the charge of misappropriation having been proved against the respondent and yet he having been granted reinstatement by the Labour Court with continuity of service.

3. It is informed that the respondent had already passed away. His dismissal of 17.12.1992, after he joined service as a Conductor on 31.5.1989, is the subject of this petition. It is informed that pursuant to the impugned order of the Labour Court, the respondent was reinstated and subsequently was again dismissed for a similar misconduct on 4.9.2000. This dismissal has not been challenged by the respondent and consequentially, the respondent would be deprived of some retiral benefits and gratuity as he has been dismissed for proved misconducts.

4. This Court, by order dated 9.12.2002, had refrained from interfering with the direction of reinstatement as the respondent was already reinstated by the petitioner. It is informed that he has earned his wages after reinstatement for the work performed till he was again dismissed on 4.9.2000. As such, I do not find that this petition needs to be entertained to the extent of the duties performed by the respondent and the salary earned.

5. On the one hand, the respondent has passed away. On the other hand, he is deprived of gratuity owing to his subsequent dismissal on 4.9.2000. I, therefore, find that this petition is rendered infructuous and is also abated. The petition, therefore, abates.

5. Rule is discharged.

6. Civil Application, in this view of the order, does not survive and stands disposed off.

(RAVINDRA V. GHUGE, J.)

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