

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

WRIT PETITION NO.5158 OF 2002

MAHARASHTRA STATE ELECTRICITY BOARD AND ANOTHER.
-VERSUS-
ANIL WAMANRAO MARATHE.

...
Shri H.M.Karva, Advocate for the Petitioner.
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CORAM: RAVINDRA V. GHUGE, J.
DATE :- 12th May, 2017

Per Court:

1 The Petitioners are aggrieved by the judgment of the Industrial Court dated 11.10.2002 by which Complaint (ULP) No.1644/1999 (old No.666/1998) has been partly allowed and the Petitioners are directed to protect the seniority of the Respondent as per the order dated 31.05.1986 in the cadre of Lower Division Clerk (Accounts) and give him monetary benefits.

2 None appears for the Respondent.

3 The learned counsel for the Petitioners has strenuously criticized the impugned judgment. It is submitted that the Seniority Regulations framed by the Petitioners have been totally ignored by the Industrial Court and without considering the Regulations, the impugned

order has been passed. It is submitted that the impugned judgment is perverse and erroneous and deserves to be quashed and set aside.

4 I have considered the extensive submissions of the learned counsel for the Petitioners.

5 The Respondent was 45 years of age in 1998 when he filed the ULP complaint before the Industrial Court at Nashik which was subsequently transferred to the Industrial Court at Jalgaon. He is about 64 years of age as on date. The retirement age with the Petitioners is 58 years. This Court, while admitting the petition by order dated 05.12.2002, did not grant the interim relief to the Petitioners and as a consequence of which, the impugned judgment must have been implemented.

6 In the peculiar facts as above, I do not deem it appropriate to consider the challenge of the Petitioners since the Respondent has retired about six years ago and is a pensioner.

7 In the light of the above, this Writ Petition is disposed of. Rule is discharged. Pending Civil Application, if any, stands disposed of.