

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 2246 OF 2003
WITH
CIVIL APPLICATION NO. 10584 OF 2005
WITH
WRIT PETITION NO. 2456 OF 2003
WITH
CIVIL APPLICATION NO. 10585 OF 2005

THE DIVISIONAL CONTROLLER, M.S.R.T.C., JALGAON
VERSUS
RATNAKAR VISHWANATH VISPUTE

Advocate for Petitioner : Shri M.K. Goyanka.
Advocate for Respondent : Shri S.R. Patil.

CORAM : RAVINDRA V. GHUGE, J.
Dated : 22nd November, 2017

PER COURT :

1. These matters were adjourned for today at the request of the respondent.

2. Learned Counsel for the petitioner/Corporation submits that both these petitions have now become infructuous owing to the following factors :

(a) The respondent was first dismissed from service by way of punishment on 16/01/1976.

(b) By an order in the first department appeal, he was reinstated on 19/07/1976.

(c) He was again dismissed from service for the second time for proved misconducts on 08/12/1991.

(d) He was reinstated by the Labour Court by an interim order on 01/05/1992.

(e) Dismissal dated 08/12/1991, is subject matter of the first Writ Petition herein.

(f) On 10/03/1993, the respondent was dismissed for the third time, which is subject matter of Writ Petition No. 2456/2003.

(g) Owing to the orders of the Labour Court with regard to the dismissal dated 08/12/1991 and 10/03/1993, the respondent continued in service and was finally dismissed on 10/08/2000.

(h) The respondent was dismissed for fourth time on 10/08/2000, and this dismissal has not been challenged by him in any Court.

(i) All retiral benefits and 50 % provident fund

accumulation have been paid. Remaining 50 % of the provident fund accumulation and gratuity has not been paid.

3. Learned Counsel for the petitioner submits that since the respondent has been dismissed for the fourth time on 10/08/2000 and the dismissal has not been challenged, he has been deprived of gratuity and 50 % provident fund accumulations. It is, therefore, submitted that these two matter are rendered infructuous.

4. Considering the above, both these petitions are disposed of as being infructuous.

5. Pending two Civil Applications do not survive and stand disposed of.

(RAVINDRA V. GHUGE, J.)