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

**CIVIL APPLICATION NO.12321 OF 2017
IN
WRIT PETITION NO.4502 OF 1998**

Arjun s/o Deoram Patil,
Age: 52 years, Occ: Nil,
R/o. At Post 347/2-B,
Pandurang Nagar,
Tq. & Dist. Jalgaon.

..APPLICANT

VERSUS

The Divisional Controller,
Maharashtra State Road Transport
Corporation, Jalgaon Division,
Jalgaon & anr

..RESPONDENTS

Mr V.Y. Patil, Advocate for applicant;
Mr M.K. Goyanka, Advocate for respondents

CORAM : NITIN W. SAMBRE, J.

DATE : 29th SEPTEMBER, 2017

ORAL ORDER :

The petitioner-employee succeeded before the Labour Court, resulting into reinstatement in the employment, which order was upset by the Industrial Court in the revision, same is the subject matter of challenge of the petition. During the pendency of the revision before the Industrial

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Court, the petitioner was in the employment, whose services pursuant to the order of Industrial Court were terminated, however, in view of the order passed by this Court, he was reinstated.

2. Since learned Counsel for the applicant-petitioner remained absent, the petition came to be dismissed for want of prosecution by this Court on 4th May, 2017. As a consequence of the same, again services of the petitioner are terminated on 22nd September, 2017. As such, this application.

3. The claim in the application for stay to the termination, particularly order dated 22nd September, 2017 is opposed by the employer on the ground that consequential order of termination is issued based on developments viz., dismissal of the petition on 4th May, 2017 and confirming the order in revision by Industrial Court upsetting the findings recorded in favour of the petitioner - employee. He submits that the petition can be heard finally in stead of passing any interim

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order.

4. It is not in dispute that the present petitioner remained in employment by virtue of final order passed by Labour Court on 22nd November, 1995 and subsequent thereto by virtue of interim order passed by this Court. As such, the petitioner remained on duty with the respondents till the petition was dismissed in default.

5. This Court has already restored the petition. In view thereof, it will be appropriate, in my opinion, to restore the position on the date of dismissal of the petition i.e. on 4th May, 2017, the date on which the petitioner was very much in the employment. As such, the application stands allowed in terms of prayer clause (B), on the assurance by learned Counsel for the petitioner that as and when the petition will be listed for final hearing, no adjournment will be sought before this Court on whatsoever ground.

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6. The respondent-employer shall issue fresh appointment order to the applicant-petitioner reinstating him, within period of one week from today.

(NITIN W. SAMBRE, J.)

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