

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 3834 OF 2017

Divisional Controller,
MSRTC, Raigad & Ors.

..Petitioners

v/s.

Dattatraya Shankarrao Deshmukh

..Respondent

Mr. Yashodeep Deshmukh for the Petitioner.

Mr. Ratnesh Mishra for the Respondent No.1.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED : 20th JUNE, 2017.

P.C.

1. The petitioner herein had challenged the interim order dated 9th January, 2017 whereby the learned Member of the Industrial Court, Thane had held that the petitioner was engaged in Unfair Labour Practice under item 3 of Schedule IV of MRTU & PULP Act, 1971 and directed to allow the respondent to join at Karjat Depot as Traffic Inspector by keeping in abeyance the transfer order dated 2nd December, 2016.

2. During pendency of this petition, the respondent has reached

the age of superannuation.

3. The learned Counsel for the respondent, on instructions, made a statement that the respondent will not pursue the application pending before the Labour Court at Thane, being Misc. Complaint No. 3 of 2017, for not complying with the directions given in the order dated 9th January, 2017. Statement is accepted.

4. In view of the above statement made by the learned Counsel for the respondent and also considering the fact that the respondent has attained the age of superannuation, the learned Counsel for the petitioner seeks leave to withdraw the petition.

5. Leave granted. Petition is dismissed as withdrawn. It is made clear that I have not gone into the merits of the matter. All points and contentions are kept open.

(ANUJA PRABHUDESSAI, J.)