

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

MISCELLANEOUS CIVIL APPLICATION NO.552/2016

IN

WRIT PETITION NO.4042/2002 (D)

Divisional Controller, Maharashtra State Road Transport Corporation, Division
Office, Koulkhed Road, Akola and another

..Vs..

Ravindra Pandurang Yeul and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri A.S. Mehadia, Adv. for the applicants.
Shri P.N. Verma, Adv. for the respondent No.1.

CORAM : Z.A.HAQ, J.

DATE : 7.7.2017.

Heard.

The applicants (respondents in Writ Petition No.4042/2002) seek review of the judgment passed by this Court on 13th April, 2015. According to the applicants / original respondents, the petition filed by the employee and the Sanghatana is allowed and the order passed by the Industrial Court in revision dismissing the complaint filed by the employee and Sanghtana came to be set aside relying on the specific representation that the employee is in continuous employment in view of the order passed by the Industrial Court on 9th October, 2002 which was maintained by Division Bench of this Court in L.P.A. No.187/2004.

Now the applicants / original respondents have come up with the case that though an order was passed protecting the employment of the employee, in

fact he had not been reporting on duty and was not in employment.

The Advocate for the employee has pointed out the order passed by the Labour Court in Criminal U.L.P. Case No.26/2004 on 24th October, 2007 by which the employer was convicted under Section 48(1) of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971. The Advocate for employee has submitted that this order passed by the Labour Court convicting the employer was challenged in appeal which is dismissed.

Be that as it may, there is some dispute whether the employee continued in the employment after his employment was protected by the order passed by the Industrial Court on 9th October, 2002. I find that continuation of the employee in the employment weighed with the Court while deciding the writ petition and as there appears to be a dispute regarding that fact, in my view, the review application is required to be allowed.

Hence, the following order:

The judgment passed in Writ Petition No.4042/2002 on 13th April, 2015 is recalled.

Review Application No.552/2016 is **allowed**.

List the petition for final hearing before the appropriate Bench.

JUDGE