

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

WRIT PETITION NO. 3333 OF 2018

**MAHARASHTRA RAJYA MARG PARIVAHAN MAHAMANDAL
MADHYAVARTI KARYALAYA MUMBAI AND ANOT
VERSUS
SHIVHAR ANIRUDHA MITKARI**

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Advocate for the Petitioners : Smt. R. D. Reddy
Advocate for the Respondent : Shri S. B. Ghute

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CORAM : RAVINDRA V. GHUGE, J.

DATED : 29th SEPTEMBER, 2018.

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PER COURT :

1. I have heard the learned Advocates for the respective sides.

2. Considering their submissions and the facts emerging from the record, I deem it appropriate to dispose off this petition with the following directions :-

(a) The declaration of ULP under Items 5, 9 and 10 of Schedule IV of MRTU and PULP Act, 1971 as set out in Clause Nos. 2 and also Clause 3 of the impugned Judgment dated 29/09/2017 of the Industrial Court in complaint (ULP) No. 14/2015, are set aside.

(b) The learned Advocate for the respondent submits that

the respondent would tender a compilation of the orders passed by the petitioner/MSRTC in identical set of facts with a proper representation within four weeks from today. Liberty to file the representation with compilation of orders is granted.

(c) The petitioners would consider the proposal of the respondent/original complainant for re-categorization to the post of Clerk cum Typist on the basis of the record and in view of the representation tendered by the complainant as noted above, within three months from the date of the tendering of representation.

(d) The petitioners would give due weightage to the period of service rendered by the employee while fixing his pay in the new post.

(e) The respondent employee agrees to withdraw Complaint ULP No. 14/2015 and seek disposal of Cri.(ULP) No. 23/2017 in the Labour Court at Latur within two weeks from today. Consequentially, the Cri.Revision (ULP) No. 10/2018 preferred by the petitioner before the Industrial Court, Latur shall stand disposed off.

(RAVINDRA V. GHUGE, J.)

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