

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.54 OF 2004

The Divisional Controller,
Maharashtra State Road
Transport Corporation, Jalna,
Division - Jalna

-- PETITIONER

VERSUS

Sayed Ali Ahmed Sayed Hanif,
Age-45 years, Occu-ST Driver,
R/o Morandi Mohalla,
Juna Jalna, At Post-Jalna,
Taluka and Dist. Jalna

-- RESPONDENT

Mr.Parag Shahane, Advocate for the respondent.

(CORAM : RAVINDRA V. GHUGE, J.)

DATE : 14/03/2018

ORAL JUDGMENT :

1. None appeared for the petitioner on 03/03/2018. None appears even today.

2. The petitioner/Corporation has challenged the judgment of the Labour Court dated 09/04/2001 by which Complaint (ULP) No.62/1995 filed by the respondent / Driver has been allowed and the show cause notice proposing the punishment of dismissal dated 06/05/1995 has been set aside. The petitioner has also challenged

the judgment of the Industrial Court dated 31/10/2002 by which Revision (ULP) No.63/2001 filed by the Corporation has been dismissed.

3. Learned Advocate for the respondent/Driver places on record a copy of the order dated 12/03/2007 by which the Corporation has subsequently dismissed the respondent from service for another misconduct. Same is taken on record and marked as Exhibit "X" for identification. It is, therefore, submitted that the respondent was never terminated and he continued in employment till 12/03/2007.

4. Though this Court had stayed the judgment of the Labour Court and the Industrial Court by order dated 31/03/2004, the respondent continued in employment. It is further submitted on behalf of the respondent that he has received his entire retiral benefits inclusive of provident fund accumulations and gratuity amount on 07/08/2007 and 06/08/2007, respectively.

5. Considering the above, this petition is rendered infructuous and stands disposed of. Rule is discharged.

(RAVINDRA V. GHUGE, J.)