

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 752 OF 2005

M/S COSMO FILMS LTD. WALUJ AURANGABAD
VERSUS
GULAB TULSIRAM WADEKAR

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Advocate for Petitioner : Shri T K Prabhakaran
Advocate for Respondent : Shri B R Kaware

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CORAM : RAVINDRA V. GHUGE, J.
Dated: June 06, 2018

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PER COURT :-

1. By the consent of the parties, this matter is being heard as they have no objection if this Court deals with these proceedings.
2. The petitioner has challenged the judgment and order dated 20.1.2005 delivered by the Industrial Court, by which, Complaint (ULP) No.40 of 2003 has been allowed and the order of transferring the respondent from Aurangabad establishment to Baroda, dated 27.1.2003, has been quashed and set aside. The petitioner was directed to recall the respondent and deploy him on his original post as a Carpenter at its Chikalthana or the Waluj plant.
3. While admitting this petition, after hearing the learned Advocates on 5.4.2005, this Court has stayed the impugned judgment by way of interim relief.

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4. Shri Prabhakaran learned Advocate for the petitioner submits on instructions that despite the interim relief granted by this Court, the respondent was re-transferred from Baroda to Aurangabad on his request. Subsequently, the respondent has passed away about 5 years ago and his services benefits, post his demise, must have been paid. He submits that in the event, any amount remains to be paid, the same would be paid to the widow of the respondent provided the learned Advocate for the respondent would inform the details of the legal heirs to the petitioner within eight weeks from today.

5. Considering the above, I find that nothing survives in this petition to be adjudicated upon. Since the petitioner states that unpaid legal dues pursuant to the demise of the respondent would be paid, as noted above, if not already paid, this petition is disposed off.

6. Rule is discharged.

(RAVINDRA V. GHUGE, J.)

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