

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.22 OF 2004

The Divisional Controller,
Maharashtra State Road Transport
Corporation, Jalgaon Division,
Jalgaon, District Jalgaon

– PETITIONER

VERSUS

Subhash Chaitram Deoraj,
R/o Galangi, Taluka Chopda,
Dist. Jalgaon

– RESPONDENT

Mr.M.K.Goyanka, Advocate for the petitioner.
Mr.V.Y.Patil, Advocate for the respondent.

(CORAM : RAVINDRA V. GHUGE, J.)

DATE : 26/03/2018

ORAL JUDGMENT :

1. During the hearing on 23/03/2018, it was brought to the notice of the learned Advocate for the respondent that taking into account the facts and circumstances of this case, wherein a charge of misappropriation has been held to be proved by the Labour Court as well as by the Industrial Court. The worker had not challenged the said conclusions and this would lead to deprivation of his service benefits keeping in view the law laid down by the Hon'ble Apex Court in the matter of Janatha Bazar (South Kanara Central Co-operative Whole Sale Stores Limited) Etc. Vs. The Secretary, Sahakari

Noukarana Sangha Etc. [(2000) 7 SCC 517] and by the learned Division Bench of this Court in the matter of P.R.Shele Vs. Union of India and others [2008 (2) Mh.L.J. 33].

2. The respondent has decided to submit an application for voluntary retirement by citing his health problems w.e.f. 02/04/2018. The affidavit to that extent is tendered in the Court today and the respondent is present in the Court. The said affidavit is taken on record and marked as Exhibit "X" for identification.

3. Learned Advocate for the respondent, therefore, submits that the respondent would tender his resignation on or before 28/03/2018 and the same would be effective from 02/04/2018.

4. The petitioner MSRTC would then accept the said resignation w.e.f. 02/04/2018 and would treat it as his voluntary retirement so as to ensure that his retiral benefits, inclusive of gratuity, would be made available to him.

5. Taking into account the above events, this petition is disposed of. As the respondent has tendered an affidavit marked as "X", he would stand relieved from service w.e.f. 02/04/2018 and would be

entitled for retiral benefits inclusive of gratuity, provident fund, family pension if entitled to, family pass and leave encashment, if any. The impugned orders of the Labour Court and the Industrial Court would therefore lose their efficacy in the light of the above. The MSRTC would endeavour to make the payments of those components which are payable, after the respondent is relieved from service, as expeditiously as possible and within a period of 12 weeks from today.

(RAVINDRA V. GHUGE, J.)