

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

WRIT PETITION NO.7362 OF 2004

The Divisional Controller,
Maharashtra State Road
Transport Corporation,
Division Ahmednagar,
Dist. Ahmednagar

..Petitioner

Vs.

Shantaram s/o. Baburao Thakur,
Age : 59 years,
r/o. Shirdi, Tq. Kopargaon,
Dist. Ahmednagar

..Respondent

Mr.Pradeep Shahane, Advocate for respondent

**CORAM : RAVINDRA V. GHUGE, J.
DATE : MAY 10, 2018**

ORAL JUDGMENT :

1. None present for the petitioner - Corporation.

I have heard the learned Counsel for the respondent.

2. The respondent had preferred complaint ULP No.179 of 1999 before the Industrial Court at Ahmednagar. During the pendency of the complaint, an

application Exhibit 'U-5' was filed by the respondent/complainant under Section 30(2) read with Section 32 of the M.R.T.U. and P.U.L.P. Act, 1971. The said application was allowed and the Industrial Court directed the petitioner to pay the retiral benefits to the respondent, as per the existing pay-scale. This interlocutory order was challenged in this Court by this petition. On 13.12.2004, ad-interim relief in terms of prayer Clause (D) was granted and the impugned order was stayed.

3. The respondent moved Civil Application No.1907 of 2005 seeking vacating of the interim relief. This Court passed an order on 17.06.2005 that the retiral benefits of the respondent would be determined and the same would be extended to him, subject to the result of this petition. The respondent was directed to file an undertaking in this Court that if the Corporation succeeds in the Writ Petition, he would refund all the benefits.

4. I, however, find that the fate of the respondent and his service benefits would depend upon the result in Complaint ULP No.179 of 1999, wherein he has challenged the legality and propriety of the punishment awarded to him by order dated 29.09.1995 passed by the petitioner.

5. Considering the above, this petition is disposed of. Needless to state, the orders of this Court dated 13.12.2004 and 17.06.2005 would continue till Complaint ULP No.179 of 1999 is decided. Needless to state, if the said complaint is already decided, the orders passed by this Court would merge in the result of the said complaint. In the event the said complaint is still not decided, the Industrial Court would decide the said complaint as expeditiously as possible and in any case, on or before 28th February, 2019. Rule is discharged.

[RAVINDRA V. GHUGE, J.]