

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.11225 OF 2018
(Suraj s/o Apparao Joshi Vs. Chairman and Managing Director and
others)

Mr.P.M.Shinde, Advocate for the petitioner.
Mr.Amit Waikos with M.D.Shinde, Advocate for respondent No.3.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 09/10/2018

PER COURT :

1. Since I find that respondent No.1 / Chairman and Managing Director at Bhopal and the Associate Vice President, Brand Marketing at Bhopal are not necessary respondents in view of the provisions of the Industrial Employment (Standing Orders) Act, 1946, both these respondent Nos. 1 and 2 stand deleted as they are neither necessary parties nor answering respondents.

2. The petitioner is before this Court assailing the interlocutory order dated 16/07/2018 passed by the Industrial Court, Aurangabad in Complaint (ULP) No.330/2017. The petitioner has challenged his transfer order dated 01/11/2017 and the Industrial Court has rejected the application for interim relief Exh.U-2

3. Learned Advocate for the respondent tenders a copy of the order of dismissal dated 24/09/2018 by which the petitioner has been dismissed from service on account of proved charges set out in the charge sheet dated 15/03/2018. The said order alongwith the print out of the tracking report is taken on record and marked as Exhibit X for identification.

4. Learned Advocate for the petitioner submits that the petitioner has received the order of dismissal and he would proceed to file a ULP complaint under Item I of Schedule IV of the MRTU and PULP Act, 1971 before the Labour Court at Aurangabad. If he is granted any relief in the said complaint, he would then proceed to prosecute Complaint (ULP) No.330/2017 in which he has challenged his order of transfer.

5. Considering the subsequent events, this petition is disposed of with the observation that if eventually the petitioner succeeds before the Labour Court in his challenge to the disciplinary proceedings, the Industrial Court would deal with Complaint (ULP) No.330/2017 expeditiously since his cause of action against his transfer would be revived.

(Ravindra V.Ghuge, J.)

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