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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
LETTERS PATENT APPEAL NO. 80 OF 1994
IN
WRIT PETITION NO. 2470 OF 1993

Municipal Corporation of Greater Mumbai Through General Manager BEST Undertaking	.. Appellant (Org. Petitioner)
Vs.	
Vishnu Subrao Karande and ors.	.. Respondents

Mr. Arsh Misra i/by M/s. M. V. Kini & Co. for appellant-petitioner.
Ms. Riba Vasudevan i/by Neeta Karnik for respondent no.2.

CORAM: NARESH H. PATIL &
NITIN W. SAMBRE, JJ.

FEBRUARY 08, 2018.

P.C.

1. By consent of parties, the appeal is heard finally.
2. This Letters Patent Appeal is directed against the order dated 8/10/1993 passed by the learned Single Judge (Coram: A. P. Shah,J.) in Writ Petition No. 2470 of 1993, which reads as under :-

“ After carefully considering the impugned judgment and the evidence on record with the assistance of the learned counsel, I do not find any infirmity in the impugned order. The order was passed on February 17, 1992 and present petition was filed on December 31, 1992. Delay is not properly explained. Moreover the award appears to have been

implemented. No reason to interfere. Writ Petition is dismissed.”

3. The respondent No.2 had filed an application i.e. Application (BIR) No. 538 of 1985 before the Labour Court at Bombay in respect of alleged illegal order of dismissal of respondent no.1 – Vishnu Subrao Karande, Bus Conductor No. 77298. By judgment and order dated 13/10/1989, the Judge, First Labour Court, Incharge of Third Labour Court, Bombay dismissed the said application.

4. The Respondent No. 2 preferred an appeal being Appeal (IC) No. 157 of 1989 challenging the judgment and order dated 13/10/1989 passed by the Labour Court, Bombay. By judgment and order dated 17/2/1992, the Industrial Court allowed the appeal and set aside the dismissal order passed in D.E. and the respondent no.1 herein – Vishnu Subrao Karande was directed to be reinstated with immediate effect with continuation of service and with full back-wages.

5. The learned counsel appearing for the appellant fairly submits that no interim relief was granted in favour of the appellant-petitioner. The respondent no.1 was reinstated in the service. He retired 10 years back and he was paid retiral benefit. The learned counsel appearing for the respondent no.2 does not dispute the statement made by the learned

counsel for the appellant in respect of respondent no.1.

6. We have perused the impugned order passed by the learned Single Judge and considered the submissions advanced. In the facts and the material brought on record, we find that the Industrial Court appreciated the facts brought on record in appropriate manner. We do not notice any perversity in the view adopted by the Industrial Court. While rejecting the Writ Petition No. 2470 of 1993, the learned Single Judge of this court (Coram: A. P. Shah,J.) observed that no infirmity was found in the impugned order. The said order was passed on 17/2/1992, whereas the writ petition was preferred on 31/12/1992. According to the learned counsel for the respondent no.2, delay in filing writ petition was not properly explained.

7. Taking into consideration the merits and subsequent developments as brought to our notice by the learned counsel appearing for the appellant, we are not inclined to interfere in the Letters Patent Appeal.

8. The appeal stands dismissed.

(NITIN W. SAMBRE J.)

(NARESH H. PATIL,J.)