

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.7221 OF 2017

Balasaheb S. Lokhande

.. Petitioner

Vs.

Kirloskar Pneumatic Co.Ltd.

.. Respondent

None for the petitioner.

Mr. Kiran Bapat a/w Mahesh Londhe & Netaji Gawade i/b. M/s. Sanjay Udeshi
& Co. for the respondent.

CORAM : A.K. MENON, J.

DATED : 27TH MARCH, 2018.

P.C. :

1. The order impugned in this petition dated 28th June, 2017 is passed on Exhibit U-2 in Reference (IDA)no.259 of 2017 whereby the applicant-petitioner sought stay of the process of retirement and a direction to continue him in service. The petitioner is aggrieved by the fact that the impugned order merely issued notice which was made returnable.
2. Today, Mr. Bapat, the learned counsel appearing for the respondent points out that the main application Exhibit U-2 and U-12 under Section 33, have both been decided and were rejected by order dated 12th July, 2017. He tenders copy of the order dated 12th July, 2017. The same is taken on file. It appears that the petitioner is not interested

in prosecuting this petition in view of the challenge herein being restricted to the order issuing notice. In the circumstances, I pass the following order:-

- (i) Petition is dismissed.
- (ii) No orders as to costs.
- (iii) Dismissal of this petition shall not be taken as expression of opinion on merits of the case pending with the Labour Court.

(A.K. MENON,J.)

wadhwa