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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 123 OF 2018
IN
LETTERS PATENT APPEAL NO. 45 OF 2018
IN
WRIT PETITION NO. 3963 OF 1997**

The President ... Applicant
V/s.
Sukanya Nilkanth Patole & Ors. ... Respondents

Mr. Rakesh Bhatkar for the Applicant.
Mr. Meelan Topkar, for Respondent No.1.

**CORAM: B.R. GAVAI, &
RIYAZ I. CHAGLA, JJ.
DATE: 21ST NOVEMBER, 2018.**

PC:-

1. For the reasons stated in the Civil Application, the delay of filing the Appeal is condoned and the Appeal is restored to file. With the consent of the parties, the Appeal is taken up for hearing.
2. The Appellant has approached this Court being aggrieved by order dated 21st January, 2009 passed by learned Single Judge of this Court thereby allowing the Petition filed by the Respondent. The Respondent employee had filed a complaint under Section 28 read with item 1 (a), (b) of Schedule IV of M.R. T.U. and P.U.L.P. Act, challenging his termination. The learned Labour Court by order dated 30th April, 1996 allowed the complaint and directed the present Appellant to reinstate the

complainant with continuity of service but without back wages. The Appellant filed Revision Application before the Industrial Court. The learned Industrial Court vide judgment and order dated 24th February, 1997 reversed the order passed by the Labour Court and dismissed the complaint of the Respondent – employee. Being aggrieved thereby the Respondent – employee preferred a Writ Petition before this Court. The learned Single Judge vide impugned order stayed the order passed by the learned Industrial Court.

3. Heard Mr. Bhatkar learned counsel for the Appellant and Mr. Topkar learned counsel for the Respondent.

4. We have perused the orders passed by the learned Single Judge as well as Industrial Court and Labour Court. After considering the entire case, it cannot be said that the view taken by the learned Single Judge is either perverse or impossible and hence warrant any interference in the Appellate Jurisdiction. It is needless to state that in view of dismissal of the Appeal, pending applications also stand disposed of.

(RIYAZ I. CHAGLA J.)

(B.R. GAVAI,J.)