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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 452 OF 1997

The Manager	... Petitioner
Govt. Photozinco Press, Pune	
vs.	
Shri Asghar Hussain Shaikh, Pune	... Respondent
.....	
Ms. Vaishali Nimbalkar, AGP for the Petitioner.	
None for the Respondent.	
.....	

CORAM : A.K. MENON, J.
DATE : 4th APRIL, 2018

P. C.

1. This petition challenges an order dated 13th August, 1996 passed in Complaint (ULP) No. 353 of 1991 by the Industrial Court, Pune. The substantial challenge was against the direction to withdraw the suspension order bearing no. 11477 dated 15th February, 1991 permanently and allow the complainant to resume his duties in the original post.

2. Learned AGP states that the suspension order was withdrawn vide order dated 3rd February, 1995. It appears that through oversight this order was not pointed out to the Industrial Court nor was it mentioned at the time of filing of this petition. The record indicates that on 28th January, 1997 this Court recorded that

there is no question of staying the suspension since it was already revoked and respondent was in service. At that stage leave was granted to conduct departmental inquiry and pending such inquiry, the petitioner was directed to not suspend the respondent. In the course of time the departmental inquiry was held and the respondent was found guilty. The order dated 8th May, 2017 records that the learned Government Pleader made a statement that certain amounts had also been recovered from the respondent which had led to the filing of a separate complaint.

3. Today this petition is listed for final hearing and disposal. Learned AGP states that a separate Complaint (ULP) No. 468 of 1996 filed before the Industrial Court, Pune and which has been dismissed vide order dated 13th August, 1997. In the circumstances, nothing survives in this petition. I therefore pass the following order :

- (i) Writ Petition is disposed of as infructuous.
- (ii) No costs.

(A.K. MENON, J.)