

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

WRIT PETITION NO.11965 OF 2017

Mr. Abdul Aziz Abdul Hanif Khan Petitioner
Versus
Divisional Controller
M.S.R.T.C. and Others ... Respondents

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Mr. Rahul Oak a/w Mr. Siddhesh S. Shetye for the Petitioner.
Mr. Y.P. Deshmukh for Respondent Nos.1 and 2.

....

CORAM : S.C.GUPTE, J.

DATE : 24 JULY 2018

P.C. :

. After matter is heard at some length, it is agreed between the parties that instead of deciding the present petition, which challenges an order passed by the Industrial Court at Thane on an application of interlocutory relief, the main complaint itself can be conveniently disposed of in short time, since issue involved is small. The issue is whether or not the Petitioner's promotion was temporary and whether on the ground of seniority, Respondent No.2 was entitled to be promoted in place of the Petitioner herein. None of the parties desires to lead any evidence and the matter is to be decided only on the basis of documents produced by the parties.

2 In the premises, the petition is disposed of in terms of the following order :-

: O R D E R :

(i) The Industrial Court at Thane shall decide the complaint, being Complaint (ULP) No.162 of 2017, as expeditiously as possible and preferably within three months from today;

(ii) The existing ad-interim protection in favour of the Petitioner herein shall continue to operate for a period of three months. The Petitioner shall not seek any adjournment of hearing of the complaint before the Industrial Court;

(iii) Both parties to appear before the Industrial Court at Thane on 31 July 2018 at 11.00 a.m. when the court may fix schedule of hearings in the complaint;

(iv) All parties to act on an authenticated copy of this order.

(S.C. GUPTE, J.)

**Rajesh
Vasant
Chittewan**

Digitally signed
by Rajesh Vasant
Chittewan
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2018.07.25
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