

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

WRIT PETITION NO.13630 OF 2017

Rajendra Laxman Nagare .. Petitioner

Vs.

Zilla Parishad Thane & Ors. .. Respondents

Mr.Avinash Jalisatgi i/b Amol B. Desai for the petitioner.

Mr.Shankar P. Thorat for the respondent.

CORAM : A.K. MENON, J.

DATED : 25TH APRIL, 2018.

P.C. :

1. By this writ petition, the petitioner challenges the final order and judgment dated 25th September, 2017 passed by the Industrial Court dismissing the complaint filed by the petitioner under Section 28 read with Item 5 and 9 of Schedule IV of the MRTU & PULP Act.

2. At the hearing of this petition for admission Mr.Thorat appearing on behalf of State submits that respondent no.1 will issue fresh show cause notice to the original complainant and grant an opportunity of being heard in accordance with law. The impugned order dated 25th September, 2017 as well as order dated 5th July, 2012 directing him to be posted as "Arogya Sevak" (Exhibit-E) are being withdrawn. Accordingly, I pass the following order :

(a) The impugned order dated 25th September, 2017 is hereby set aside. The statement on behalf of the respondent no.1 withdrawing the order dated 5th July, 2012 Exhibit-E to the petition is accepted. The said order is also quashed and set aside.

(b) Respondent No.1 is at liberty to issue fresh show cause notice within a period of two weeks from today. If such show cause notice is issued, the petitioner will be granted an appropriate opportunity of being heard and the same will be decided in accordance with law.

(c) The petition is disposed of in above terms.

(A.K. MENON,J.)