

Urmila Ingale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 1543 OF 2015

Vijay Abhimanyu Koli	.. Petitioner
Vs.	
State of Maharashtra and ors.	.. Respondents

Mr.C.K.Bhangoji i/b Mr.R.K. Mendadkar, for the Petitioner.
Mr.K.S.Thorat, AGP for State – Respondent No.1.
Mr.G.S.Hegde, for Respondents No. 2 & 3.

CORAM : M.S.KARNIK, J.

DATE : 08th APRIL, 2019

P.C. :

. Learned Counsel for the petitioner seeks leave to withdraw the Petition with liberty to file appropriate proceedings against the impugned order before the appropriate forum.

2. Learned Counsel Shri Bhangoji submits that liberty to challenge the order dated 18/07/2011 passed by the Industrial Court to be kept open. He submits that in this

Petition, he has prayed for quashing and setting aside the order dated 18/07/2011 passed by the learned Industrial Court as well. However, on perusing the record, I find that against the order dated 18/07/2011, the petitioner had already filed Writ Petition No. 4634 of 2012 in this Court when the following order came to be passed.

“In order dated 11.10.2012 passed by this Court, inadvertently, it has mentioned in the first paragraph that liberty was granted to the petitioner to file appropriate proceedings before the “Labour Court” instead of “respondent No.2 i.e. Divisional Controller, M.S.R.T. Corporation, Thane Division, Thane”. The order dated 11th October, 2012 to stand corrected to the extent indicated above.”

3. In this view of the matter, it is not possible to accede to the request of the learned Counsel for the petitioner to grant liberty to challenge the order dated 18/07/2011 passed by the Industrial Court. Obviously, the petitioner would be entitled to take his remedies in respect of the order dated 11/10/2012 and order dated 27/02/2013.

4. It is made clear that against the order of termination,

order passed by respondent No.2 in Appeal challenging the termination, liberty to challenge the same before appropriate forum is granted.

5. Keeping all the contentions open, the Petition is allowed to be withdrawn in the above terms.

(M.S.KARNIK, J.)