

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 9258 OF 2022

Gangabhishan Irappa Kalwane .. Petitioner

Versus

The Divisional Controller,
Maharashtra State Road Transport
Corporation .. Respondent

Shri R. K. Ashtekar, Advocate for the Petitioner.

**CORAM : SANDEEP V. MARNE, J.
DATE : 10.10.2022.**

FINAL ORDER :

. Petitioner has filed present petition challenging judgment and order passed by the Industrial Court, Latur on 30.09.2019 thereby dismissing the Complaint (ULP) No. 427 of 2004 (Old No. 88 of 1995).

2. I have heard Mr. Ashtekar, learned counsel appearing for the petitioner and have gone through the order passed by the Industrial Court.

3. The Industrial Court has arrived at a conclusion that the petitioner was unauthorizedly absent from duties for long period of time from 1974 to 1979. The Industrial Court has therefore drawn a conclusion that by exhibiting such a conduct, the petitioner had abandoned his services. On this ground, the

Industrial Court proceeded to dismiss the complaint of the petitioner.

4. Even though the complaint is dismissed, the Industrial Court has arrived at a conclusion that the cause of action for filing of the complaint was continuous in nature. I do not agree with this finding of the Industrial Court. In respect of his alleged cause of action of not permitting him to join the duties from the year 1979 onwards, the complaint has been filed in the year 1995. It is incomprehensible as to how the grievance about not permitting to join the duties or with regard to abandonment of service can be treated as continuous cause of action. Be that as it may, the Industrial Court has ultimately dismissed the complaint of the petitioner.

5. I do not find any error being committed by the Industrial Court in arriving at the conclusion that the conduct exhibited by the petitioner of remaining unauthorizedly absent from duty for long period of time is required to be construed as abandonment of service. It was therefore not incumbent upon the respondent to hold any enquiry for terminating the services of the petitioner. The order passed by the Industrial Court, therefore, does not suffer from any error. The petition is devoid of merits. Same is dismissed, without any orders as to costs.

[SANDEEP V. MARNE, J.]