

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 14707 OF 2022

Maharashtra State Road Transport Corporation Thr Its ...Petitioner
Versus
Maharashtra State Human Rights Commission Thr Its
Registrar And Anr. ...Respondents

Shri.S.C.Naidu a/w.Shri.Arsh Misra, for Petitioner.
Shri.P.P. Kakade a/w.Smt.K.N. Solunke, AGP for State-Respondent No.2.
Smt.Kavita Anchar, for Respondent No.3.

**CORAM : R.D.DHANUKA &
M.M.SATHAYE, JJ.**

DATED : 20th DECEMBER, 2022

P.C. :

1. By interim order dated 01.12.2022, this Court has already held that there is substance in the submission made by the learned Counsel for the Petitioner that Respondent No.1 Commission has acted totally without jurisdiction in directing the Petitioner to file an affidavit and to explain as to how much amount is due and payable to the employees of the Petitioner and to comply with the said order. He further stated that Human Rights Commission has no power to adjudicate upon the labour dues, if any, by invoking the provisions of Protection of Human Rights Act, 1993.

2. In pursuance of the order passed by this Court, the notice is already served upon Respondent No.1 Commission and Respondent No.3 Maharashtra ST Karmachari Congress. Learned counsel for Respondent No.3 tendered an

affidavit dated 14.12.2022. It is stated in the affidavit that Respondent No.3 has not filed any complaint before Respondent No.1 Commission. The Commission, however, considering his comments reflecting in news item dated 27.08.2022, issued directions to the Petitioner to provide papers to Respondent No.3. In paragraph 3 of the said affidavit it is stated that statistical information from Accounts Department of the Petitioner, which indicates that the Petitioner is making regular payments whatever possible according to availability of finances towards arrears of settlement and leave encashment and uptill now Rs.40 crores have been paid to retired employees of the Petitioner on both the above counts.

3. Learned counsel for Respondent No.3 states that her client will not approach Respondent No.1 Commission for redressal. Learned counsel for Respondent No.3 further states that her client has not approached to Respondent No.1 Commission for redressal grievance regarding arrears of dues nor will approach to Respondent No.1 in future, but in case of any dispute between the Petitioner and Respondent No.3, Respondent No.3 will approach the appropriate Court for redressal. Statement is accepted.

4. Shri.Deshmukh, Learned counsel for the Respondent No.1, states that in view of fact that Respondent No.3 does not seek to pursue the grievance, then Respondent No.1 would close the summons issued by Respondent No.1 upon the Petitioner, which is subject matter of this petition and withdraw summons

and the impugned orders passed so far in pursuance of the summons, within two weeks from today.

5. Writ petition is disposed off in the aforesaid terms. Statement made by the learned counsel for Respondent No.1 is accepted. Respondent No.1 shall close the proceedings initiated *suo motu* after withdrawal of the summons as well as orders already passed.

6. Writ petition is disposed off in the aforesaid terms.

(M.M. SATHAYE, J.)

(R.D.DHANUKA, J.)