

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

WRIT PETITION NO. 901 OF 2019

(Mukesh s/o Bandu Titirmare ..vs.. MSRTC, Bhandara)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. S.A. Nerkar, Counsel for the petitioner,
Mr. V.H. Kedar, Counsel for the respondent.

**CORAM : ROHIT B. DEO &
ANIL L. PANSARE, JJ.**
DATED : 29-08-2022

We passed the following order on 12-8-2022.

“Learned counsel for respondent, Maharashtra State Road Transport Corporation (Corporation) is seeking time to file affidavit in response.

2. We do not find that the request for further time to file affidavit in response is reasonable.

3. The petitioner was declared medically unfit and terminated vide order dated 4-7-2017.

4. The contention of the petitioner is that there is a clear violation of the provisions of Section 20(4) of the Rights of Persons with Disabilities Act, 2016.

5. However, as indulgence, we direct that the affidavit in response shall be filed on or before 29-8-2022.

6. We further direct that if affidavit in response is not filed on or before 29-8-2022, the Divisional Controller of Corporation, Bhandara shall remain personally present on the next date of hearing.

7. Stand over to 29-8-2022.”

2. The respondent has filed affidavit-in-response dated 29-8-2022, paragraphs 5,6 and 7 of which read

thus :

*“5. It is submitted that, the General Manager M.S.R.T.C. has informed the Divisional Controller M.S.R.T.C., Bhandara directing him to withdraw the Divisional Establishment Order of termination of the petitioner. And directed further to him alternate employment and in pursuant of the said Act and take decision at division level further inform the Hon’ble High Court. The copy of letter on dated 26-8-2022 is herewith at **ANNEXURE-R-1**.*

*6. It is further submitted that, after the receipt of the above mentioned letter dated 26-8-2022 the Respondent has to send to the Petitioner to the Government Medical Hospital Bhandara for obtaining their opinion whether such petitioner is fit for any other alternate job and what kind of job. The copy of letter and dated 23-8-2022 is herewith at **ANNEXURE-R-2**.*

*7. It is submitted that, after receipt of the Medical Report in pursuance of letter dated 23-8-2022, the necessary action will be taken, termination is already withdrawn as per **ANNEXURE-R-1**.”*

3. We have also perused the communication dated 26-8-2022 which is Annexure-R-1 to the affidavit-in-response.

4. We are satisfied, that the fair approach of the respondent has redressed the grievance of the petitioner.

5. The petition is disposed of accordingly.

(ANIL L. PANSARE, J.)

(ROHIT B. DEO, J.)

adgokar

Digitally signed by PRAFULLA
MANOHARRAO ADGOKAR
Signing Date: 30.08.2022 18:51