

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

WRIT PETITION NO.9605 OF 2023

**DILIP RAMBHAU DAUNDE
VERSUS
MAHARASHTRA STATE ROAD TRANSPORT CORPORATION THROUGH
ITS DIVISIONAL CONTROLLER AND ANOTHER**

...
Advocate for Petitioner : Mr. Parag P. Shahane
Advocate for Respondent Nos.1 & 2 : Mr. Anad D. Wange
...

**CORAM : NITIN B. SURYAWANSHI, J.
DATE : 04th AUGUST, 2023**

PER COURT :

1. Petitioner has filed Complaint (ULP) No.06/2014, before the Labour Court, Aurangabad, challenging show-cause notice of dismissal dated 11/01/2014. By filing application Exhibit-U-2 petitioner prayed for grant of ad-interim relief, which was initially granted in favour of the petitioner. However, subsequently by order dated 13/01/2015, application Exhibit-U-2 was rejected. However, the *status quo* was granted for a period of three weeks, so as to enable petitioner to approach the Industrial Court.

2. Petitioner filed Revision Application (ULP) No.09/2015 before the Industrial Court. By order dated 29/01/2015, interim relief was granted in favour of petitioner and on the basis of the same, petitioner was continued in service. By impugned order dated 21/07/2023, the Industrial Court has dismissed the revision. At the

request of the petitioner, Industrial Court continued the interim relief till 07/08/2023. Petitioner has challenged the order passed by Labour Court below Exhibit-U-2 and the order passed by the revisional Court, in present petition.

3. Heard learned advocate for petitioner and learned advocate for respondents. Perused the writ petition memo, annexures thereto and the impugned orders.

4. Having considered the orders passed by this Court in similar circumstances and considering the fact that complaint of the petitioner filed in the year 2014, is still not decided and interim relief is operating in his favour since 2014, this Court is of the view that, interest of justice would be subserved by continuing interim relief in favour of petitioner and by directing Labour Court to decide the complaint within stipulated time.

5. Learned advocate for respondents vehemently opposed the prayer of petitioner contending that serious misconduct is committed by the petitioner and he is not entitled for any interim protection.

6. In the result, writ petition is allowed.

7. Impugned order dated 21/07/2023, passed in Revision Application (ULP) No.09/2015 and order dated 13/01/2015 passed

below Exhibit-U-2 in Complaint (ULP) No.06/2014, are quashed and set aside.

8. The Labour Court, Aurangabad, shall decide the complaint filed by petitioner within a period of six months from the date of receipt of writ of this order. Till the decision of Labour Court, services of the petitioner shall stand protected.

(NITIN B. SURYAWANSHI, J.)