

Vidya Amin

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 7988 OF 2017

Sadhu Vaswani Mission

... Petitioner

Versus

Sadhu Vaswani Medical Complex Kamgar Sanghhatana
& Ors.

... Respondents

Mr. S.R. Nargolkar a/w. Mr. Arjun Kadam for the petitioner.

Mr. A.S. Rao for respondent no. 1.

Mr. P.M. Palshikar for respondent no. 2.

Mr. V.S. Nimbalkar, AGP for the State/respondent no. 3.

CORAM: G. S. KULKARNI, J.
DATED: 10 January 2023

P.C.

1. This petition is filed on 8 June, 2017 assailing the order dated 29 March, 2017 passed by the learned Member of the Industrial Court at Pune, thereby directing the petitioner to submit a fresh proposal for exemption to the Employees State Insurance Corporation respondent no. 2 within one month from the date of the said order, on which appropriate decision would be taken by respondent no. 2/Employees State Insurance Corporation within two months from the date of receipt of the application. The impugned order further directs that the benefits which were applicable to the employees of the petitioner shall be continued and accordingly the proceedings were adjourned to 29 June, 2017.

2. Being aggrieved by such order, the petitioner approached the Industrial Court in a Review Application (ULP) No. 02 of 2017, which came to be rejected by judgment and order dated 26 April, 2017, which has also been assailed. It is on such challenge the petition has remained pending.

3. In the intervening period, a decision has been taken by respondent no. 2/Employees State Insurance Corporation, which has been communicated to the Secretary, Department of Industries, Energy and Labour Mantralaya, Mumbai dated 20 September, 2017 that the benefits provided under ESI Act is more beneficial to the employees in terms of paragraph A, B and C of the said communication (page 120). Consequent thereto, the State Government has also issued a communication dated 4 June, 2019 to the petitioner that the proposal for exemption has not been accepted, a copy of the same is placed on record at page 138.

4. Considering such subsequent developments, in my opinion, the impugned order has worked itself out. There is nothing further which remains for adjudication in the present proceedings. Writ Petition is accordingly disposed of. The parties are accordingly free to urge their contentions in the pending proceedings.

5. At this stage, it is informed that the decision of the State Government has been challenged. If that be so, needless to observe that all contentions of the parties in the pending proceedings are kept open.
6. In view of disposal of Writ Petition, interim order passed in this petition stands vacated.
7. Disposed of in the above terms. No costs.

(G. S. KULKARNI, J)