



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.11742 OF 2022

1. The Maharashtra State Road
Transport Corporation
Through its Divisional Controller,
N.D. Patel Road, Shingoda Talav,
Nashik, Taluka & Dist. Nashik

2. Collection Verification Team
Chief Internal Audits,
Maharashtra State Road Transport
Corporation, Central Office,
Mumbai

3. The Competent Authority So.,
Deputy General Manager,
Control Committee No.2 (Nashik).
Central Office, R.P. Mumbai

... Petitioners

Versus

Narendra Sudanva Mahajan
Age 35 years, occ. Job,
R/at Ujjwala Housing Society,
Manohar Chouk, Near Shani Mandir,
Shramik Nagar, Satpur, Nashik

... Respondent

* * *

Mr. Nitesh Bhutekar for the Petitioners.

Mr. Rahul Oak for the Respondent.

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CORAM : SANDEEP V. MARNE, J.

DATE : 15 SEPTEMBER 2023

P.C.

. By this Petition, the Petitioner-corporation challenges the
Order dated 17 May 2022 passed by the Industrial Court, Nasik on

an application for interim relief at Exhibit U-2. By way of interim relief, the Industrial Court has set aside the suspension Order dated 29 March 2022 and further restrained the Petitioner-corporation from passing Order of suspension against the Respondent by giving retrospective effect. Further declaration is given that service of the Respondent be treated as continuous without suspension till the date of passing of the Order dated 17 May 2022.

2 It is now a common ground that the Petitioner-corporation has revoked the suspension of the Respondent by the Order dated 30 January 2023 and the Respondent has been reinstated in service.

3 Perusal of the complaint by the Respondent before the Industrial Court indicates that he has set up a challenge to the suspension Order dated 29 March 2023. He has also sought further relief of not initiating disciplinary proceedings by the Petitioner-corporation. By the Order dated 17 May 2022, which is impugned in the present Petition, the Industrial Court proceeded to grant final relief by setting aside the suspension Order. In my view if the Industrial Court was of the opinion that continued suspension of the Respondent was not sustainable, it could have directed the

Petitioner-corporation to revoke the suspension. However, the Industrial Court has proceeded to set aside the suspension Order by way of an interim relief which is impermissible. Therefore, the Order dated 17 May 2022 passed by the Industrial Court is set aside.

4 The Respondent is already reinstated in service by revision of his suspension by the Order dated 30 January 2023. The Tribunal shall proceed to decide the complaint filed by the Respondent without being influenced by the observations made in this Order.

5 With above directions, the Writ Petition is disposed of.

(SANDEEP V. MARNE, J.)