



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

5 WRIT PETITION NO. 4384 OF 2024

THE DIVISIONAL CONTROLLER MAHARASHTRA STATE ROAD
TRANSPORT CORPORATION

VERSUS

MD ABDUL MAJID SHER MOHAMMAD

...

Advocate for the Petitioner : Mr. Wange Anand Dnyanoba

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CORAM : ARUN R. PEDNEKER, J.

DATE : 29th APRIL, 2024

PER COURT:

1. Heard.
2. The petitioner challenges the order passed by the Labour Court, so also, by the Industrial Court on the ground that for 5 years from 07.11.1985 to 02.05.1990, the employee was dismissed from service and, as such, he has only worked for 27 years and the gratuity has to be computed for 27 years, whereas the claim is of 32 years from 1979-1980 to 2011-2012.
3. Perusal of the order of the Industrial Court indicates that there is no document produced to show that the respondent was dismissed for any period from service, so also, there is no order of reinstatement produced for the period between 1985 to 1990. The

courts have also relied upon the evidence of the petitioner, wherein in the cross-examination the petitioner has accepted that the respondent employee has completed 33 years of service. On the findings of fact rendered, this court cannot interfere. No document is also produced before this court to demonstrate that the respondent employee was dismissed from service and was reinstated thereafter for a period of 5 years, as such, no interference is called for.

4. The writ petition stands dismissed.

[ARUN R. PEDNEKER, J.]

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