

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1488 OF 2003

The Deputy Director-Health Department And Anr. ... **Petitioners**

Versus

Chanda Radho Kinjale And Ors. ... **Respondents**

Mrs. Vaishali S. Nimbalkar, AGP for the Petitioners-State.

Mr. Avinash D. Kango for the Respondent Nos. 2 & 5.

Mr. Prathamesh Gaikwad for Respondent No.3.

Mr. Namdeo Govind More, Chief Administrative Officer, Deputy Director of Health Services Kolhapur is present.

CORAM : SANDEEP V. MARNE, J.

DATE : 19 SEPTEMBER 2024.

P.C. :

1) The present Petition challenges orders dated 15 December 2000 passed by Labour Court, Kolhapur by which limited relief is granted in favour of Respondents by restraining the Petitioners from terminating the services of Respondents without following due process of law. Revision filed by the Petitioners challenging the Order of Labour Court dated 15 December 2000 has been dismissed by Order dated 6 June 2001 passed by the Industrial Court, Kolhapur.

2) The present Petition is admitted by Order dated 2 May 2003 and no interim relief was granted in favour of Petitioners. It appears that though the impugned order passed by the Labour Court restrained termination without following due process of law, meaning thereby that services could always be terminated by following due process of law, Petitioners continued the services of Respondents on their own and did not terminate them. It appears that in respect of most of the other Respondents, the Petition has been rendered infructuous on account of their subsequent regular appointments. The Petition survives only qua Respondent Nos. 2 and 5 who apparently still continue to work on temporary basis. It also appears that the respondents filed Complaint (ULP) Nos. 18 to 27 of 2000 seeking permanency in service which have been allowed by the Industrial Court on 13 April 2009. Correctness of order dated 13 April 2009 directing grant of permanency is not subject matter of challenge in the present Petition. The limited relief is granted in favour of Respondents by the impugned order of the Labour Court dated 15 December 2000 was not to terminate the services without following due process of law. Since Respondents were continued in service during pendency of the present Petition, nothing would survive to be adjudicated in the present Petition. Leaving open all the contentions of both the parties with regard to grant of permanency to the Respondents, the Writ Petition is disposed of. Rule is discharged.

[SANDEEP V. MARNE, J.]