

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 5543 OF 2022**

Youraj Ramu Naik

....Petitioner

V/s.

The Divisional Traffic Superitendent
MSRTC Kolhapur Division, Kolhapur

....Respondent

Mr. Amit S. Kapse, *for the Petitioner.*

Mr. Nitesh Bhutekar, *for the Respondent.*

Mr. Youvraj Naik, Petitioner present-in-Courtss.

CORAM : SANDEEP V. MARNE, J.

Date : 24 OCTOBER 2024.

P.C. :

1) The Petition challenges order dated 31 March 2022 passed by the Member Industrial Court, Kolhapur dismissing Revision Application (ULP) No.77 of 2018 and confirming the order dated 27 June 2018 passed by Labour Court, Kolhapur rejecting the application for interim relief.

2) Complaint ULP No.22 of 2018 is filed by the Petitioner challenging the show cause notice dated 27 April 2018 issued proposing to impose punishment of dismissal from service. In that complaint, Petitioner prayed for grant of interim stay to the show cause notice. It appears that on account of various interim orders in the proceedings, the show cause notice dated 27 April 2018 is not yet implemented and the Petitioner continuous to remain in service. In the present Petition he is aggrieved by non - grant of interim stay to the show cause notice.

3) During pendency of the present Petition, Petitioner made representation dated 12 June 2024 to the Vice Chairman and Managing Director of Respondent State Transport Corporation admitting the misconduct and showing willingness to suffer any other penalty than dismissal. Accordingly, by letter dated 29 August 2024 the Chief Legal Officer of Respondent has communicated to the Divisional Controller that it would be appropriate to impose punishment of permanent withholding of three increments in place of dismissal.

4) Mr. Bhutekar, the learned counsel appearing for Respondent would accordingly confirm that the Respondent has taken decision to impose punishment of permanent withholding three yearly increments of the Petitioner. Petitioner is agreeable to the said punishment.

5) In that view of the matter, nothing survives to be adjudicated in the present Petition. Respondent is accordingly granted liberty to impose punishment of permanent withholding of three yearly increments on the Petitioner as proposed in the letter dated 29 August 2024. Petitioner shall withdraw Complaint ULP No.22 of 2018 pending before the Labour Court, Kolhapur.

6) With the above directions, the Writ Petition is disposed of.

[SANDEEP V. MARNE, J.]