



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH

WRIT PETITION NO. 3841 OF 2011

Ashok Vishwasrao Deshmukh,
aged about 54 years, Occ. Service,
R/o Near Ice Factory, Wardha,
Tahsil and District – Wardha.

...PETITIONER

Versus

1] Maharashtra Rajya Kapus Utpadak Panan Mahasangh, Nagpur
Head Office – Ajni Square, Wardha Road, Nagpur,
through its Managing Director.

2] Zonal Manager, Maharashtra Rajya Kapus Utpadak Panan
Mahasangh, Yavatmal,
Tahsi and District – Yavatmal.

...RESPONDENTS

Shri S.K. Tambde, Counsel for the petitioner.
Shri R.E. Moharir, Counsel for respondent no.1.

CORAM : ANIL L. PANSARE, J.

DATE : OCTOBER 17, 2024

ORAL JUDGMENT :

Heard for some time.

2] The petitioner has challenged, before the Industrial Court, the show cause notice issued by respondent no.1 – employer as to why action of suspension be not treated as suspension and to downgrade the salary to the pay scale of junior grade. The Industrial Court, Yavatmal, vide judgment

and order dated 25/4/2011, has dismissed the complaint filed by the petitioner.

3] When enquired, the learned Counsel for the petitioner submits that the petition was filed on 17/6/2011. It was listed before the Court on 10/8/2011 and the Court was pleased to grant interim relief.

4] The learned Counsel for respondent no.1 submits that prior thereto, i.e., on 5-8/7/2011, respondent no.1 has passed final order, whereby punishment, mentioned in the show cause notice, was awarded on the ground that the petitioner failed to file reply to the show cause notice.

5] Thus, prior to granting interim stay by this Court, the final order has been passed. A photocopy of the final order has been tendered across the bar, which is taken on record and marked 'X' for identification. Copy of same has been served upon the learned Counsel appearing for the petitioner. Thus, it is apparent that the petition has become infructuous.

6] At this stage, the learned Counsel for the petitioner submits that the petition will not become infructuous unless it is shown that the final order has been served on his client.

7] I do not find any merit in the submission inasmuch as whether the final order has been served upon the petitioner or not, the final order stands served to the petitioner's Counsel today. Even in such eventuality, appropriate remedy is to challenge the final order.

8] The learned Counsel for the petitioner submits that the final order has been served upon the petitioner after the interim order having been passed.

9] This aspect will be insignificant inasmuch as the interim order was passed subsequent to passing of the final order and will have no bearing on the order so passed.

10] Put all together, nothing survives in the petition. The same is dismissed.

11] Rule is discharged. No order as to costs.

JUDGE

Sumit