

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD

WRIT PETITION NO.5694 OF 2011.

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr.K.J.Suryawanshi, advocate for the petitioner.
Mr.S.T.Ghute, advocate for the Respondent No.1.

CORAM : S.V.GANGAPURWALA, J.

Date : 30.08.2011.

1. Heard.
2. The petitioner had filed complaint challenging the order of suspension issued to him by the Respondent. The petitioner also filed an application Exh.U-2 for interim relief i.e. stay to the suspension order pending disposal of the complaint. The said application is rejected. Aggrieved thereby, the present Writ Petition is filed.
3. Mr.Suryawanshi, learned counsel for the petitioner submits that even as per the service

rules of Respondent, the suspension can not be more than three (3) months. This aspect has not been considered by the Industrial Court solely on the ground that such a pleading is not made in the complaint. In fact, the said period lapsed after the complaint was filed. The learned counsel further contends that the suspension order is not issued by the competent authority. The authority who have issued the suspension order has no power even as per the service rules. All these aspects are not considered.

4. The learned counsel for the Respondent vehemently opposes the petition and submits that the Industrial Court has properly considered all the aspects of the matter.

5. The complaint has been filed in January 2011. There was no stay or interim order in favour of the petitioner since the date of filing of complaint. As such at this stage, it would not be appropriate to interfere with the said order passed by the Industrial Court. The Industrial Court is directed to dispose of the complaint within a period of two (2) months from today. The

Industrial Court shall consider all the points raised by the petitioner including the averment regarding compliance of Rule 33 of the Service Rules on its own merits.

6. The Writ Petition is accordingly disposed of with aforesaid observations and directions. No costs.

(S.V.GANGAPURWALA,J.)

Dt.30.08.2011.
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