

Khuda Bux Vs. State of Raj. & Ors.
S.B. CIVIL WRIT PETITION NO.2624/2001

PRESENT

Mr. Mukesh Rajpurohit, for the petitioners.
Dr. Pratishtha Dave, for respondent No.1.
Mr. D.S. Rajvi & Mr. Kailash Joshi for respondents No.2 & 3.

The petitioner has preferred this writ petition imploring annulment of notice dated 16.06.2001 (Annex.3), whereby his services were retrenched by the Chairman, Municipal Board, Nokha.

From perusal of the order, it is crystal clear that the employer has served a notice of one month in terms of Section 25F(a) of the Industrial Disputes Act, 1947 (for short, 'Act of 1947') with a clear stipulation that the petitioner can collect his other dues including retrenchment compensation from the office of the Municipal Board.

Being aggrieved from the said notice, the petitioner has filed this writ petition and at the threshold when the matter came up before the Court, while issuing notice, the interim protection was granted and operation of the impugned notice was stayed on 12.07.2001. Thus, on the strength of interim order, the petitioner continued to serve respondent Municipal Board and eventually he was superannuated vide order dated 07.05.2007. From the pleadings and in terms of the interim order, undisputedly the petitioner has served Municipal Board, Nokha from April 1993 to May 2007 i.e. for more than 13 years. Taking into account the services rendered by the petitioner, the Commissioner, Municipal Board has also passed the order of superannuation acknowledging him its employee. Therefore, in view of the subsequent event, more particularly, the fact that the petitioner has served the Municipal Board and has attained the age of superannuation, the impugned notice has lost its significance for all practical purposes and now the same cannot be utilized to the detriment of the petitioner.

The writ petition is accordingly disposed of by treating interim order absolute. The petitioner shall be at liberty to ventilate his grievances before the competent authority for claiming his retiral benefits by way of representation. The representation, if any, submitted by

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the petitioner shall be considered by the competent authority as expeditiously as possible strictly in accordance with law.

(P.K. LOHRA), J.

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