

IN THE INDUSTRIAL COURT
AT AURANGABAD
(Presided over by S. S. Maudekar, Member)
COMPLAINT (ULP) No. 49/2017.

Mohammad Akram Mohd. Hasham. **..Complainant.**

Vs.

[1]The Divisional Controller,
Maharashtra State Road Transport
Corporation, Divn.Office, Aurangabad & Ors.

....Respondents

ORDER BELOW EXH.U-7
(Dated 13-9-2023)

By way of application Exh.U-7, the complainant has sought direction to the respondent to give salary for 45 days to him.

2] According to the complainant, he has filed the complaint challenging the suspension order. In the meanwhile, after receiving the notice by the respondents, suspension order was cancelled. However, the period of suspension from 14-01-2017 to 27-02-2017 was treated as without pay leave. However, it is submitted that the said period may be treated as on duty and salary for 45 days may be sanctioned. Hence the application.

3] Say of the respondents is on rear side of the application. It is submitted that the application is not maintainable. In the main complaint, the complainant has challenged the suspension order dt.14-01-2017, but it was withdrawn on 27-02-2017 so the matter has become infructuous. Moreover, punishment has been awarded on 30-03-2017. So, it is prayed to reject the application.

4] Heard the learned counsel for the complainant Smt.

Sonpethkar and the learned counsel for the respondents Smt. Ambekar. It is found that, the complaint has been filed under Section 28 r/w. Item 1(a), (b),(d),(f) and Item Nos.5,6,9 and 10 of Schedule IV of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971(In short the Act). The complainant has challenged the order dt.14-01-2017. Written Statement Exh.C-7 has been filed by the respondents, wherein they have claimed at Para (5) that the suspension order has been withdrawn and the complaint has become infructuous. The said document has been filed dt.30-02-2017 vide Exh.C-6. In the meanwhile, another application Exh.U-8 has been filed by the complainant for amendment in the complaint and he has submitted that he has attained the age of superannuation on 31-01-2021 and he has sought direction to the respondent to pay salary from 14-01-2017 to 27-02-2017. So, the complainant himself is desirous to get the present relief in the complaint itself . So, there is no need to decide the application. Even otherwise ,unless and until the validity of the said order dt.14-01-2017 is decided , the entitlement of the complainant to get the wages for the said period cannot be adjudicated. Therefore, the application is not tenable and the said claim of the complainant can be decided while deciding the main complaint itself. Hence, I pass the following Order:

ORDER

[1]	Application is rejected.
[4]	Costs in cause.

Place:Aurangabad.

Date : 13-9-2023

**[S. S. MAUDEKAR]
MEMBER
INDUSTRIAL COUR , AURANGABAD**

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