

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 9723 OF 2026

1. The Business Co-operative
Bank Limited (Through Chief
Executive Officer)

2. The Chairman
The Business Co-operative Bank Limited

.....Petitioners

: Versus :

Virendra Vijay Dani

....Respondent

Mr. Avinash Jalisatgi with Mr. T.R. Yadav, Ms. Divya Wadekar & Mr.
Mulanshu Vora, for the Petitioner.

Mr. Girish M. Joshi, for the Respondent.

CORAM : SANDEEP V. MARNE, J.

JUDG. RESD. ON : 6 AUGUST 2026

JUDG. PRON. ON : 18 AUGUST 2026

JUDGMENT :

1) The Petitioner-Bank is aggrieved by the judgment and order dated 10 July 2026 passed by the learned Member, Industrial Court in Revision Application (ULP) No. 20 of 2024, dismissing the same and confirming the judgment and order dated 7 August 2024 passed by the Labour Court in Complaint (ULP) No. 38 of 2014. By its judgment and

order dated 7 August 2024, the Labour Court has set aside the termination order dated 22 October 2014 and has directed reinstatement of the Respondent without backwages but with continuity from 22 October 2014. Respondent-employee's Revision seeking backwages is also dismissed by the Industrial Court by order dated 10 July 2026, which the Respondent has not questioned.

2) Petitioner is a co-operative bank engaged in the business of banking. Respondent joined the services of the Petitioner-Bank as Junior Executive vide appointment letter dated 25 January 2002. He was promoted as Senior Executive. By order dated 11 September 2014, Respondent was transferred as Acting Branch Manager of Deolali Camp, Nashik. Before that, the Petitioner-Bank had effected transfers of 18 employees by order dated 30 August 2014. According to the Petitioner, Respondent instigated the transferred-employees to protest in front of head office of the Bank. For administrative reasons, Respondent was transferred by order dated 11 September 2014. Respondent failed to join the transferred place and issued notice dated 13 September 2014 to the Bank, alleging harassment and leveling allegations against the Bank officials. The Bank responded on 15 September 2014. The Bank also addressed a letter to the police on 17 September 2014 and 16 October 2014 apprehending leveling of false and baseless complaints by the Respondent. The Respondent in the meantime failed to handover charge of his post at Nashik Road head office and forcibly continued to work there.

3) In spite of repeated attempts by the Assistant General Manager, Respondent failed to handover charge. The Bank issued letter dated 16 October 2014 to the Respondent, directing him to handover the charge and to report at the place of transfer.

4) In the above background, the Bank issued order dated 22 October 2014, dismissing the Respondent from service stating that it was impracticable to hold enquiry against him. The Respondent lodged FIR dated 19 December 2014 in the police station against the Chief Executive Officer and Manager, HR leveling allegations under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (**Atrocities Act**).

5) Respondent approached Labour Court, Nashik and filed Complaint (ULP) No. 38 of 2014 under Section 28 read with Items Nos.1 (a), (b), (d), (f) and (g) of Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971 (**MRTU & PULP Act**). The application for interim relief filed by the Respondent was rejected by order dated 31 August 2015. Challenge to the said order was rejected by the Industrial Court. Petitioner filed Written Statement resisting the Complaint. Respondent examined himself. Petitioner examined 2 witnesses, Mr. Ashok Laxman Bhabad, Chief Executive Officer and Mr. Vasantrao R. Nagarkar, the then Chairman. By judgment and order dated 7 August 2024, the Labour Court partly allowed the Complaint and set aside the dismissal order dated 22 October 2014, directing reinstatement of the Respondent without backwages but with continuity. Cross

Revisions were filed against the order of the Labour Court by the Petitioner-Bank and the Respondent-employee. By the judgment and order dated 10 July 2026, both the Revisions have been dismissed. Petitioner-Bank has accordingly challenged the orders of the Labour and Industrial Courts by filing the present Petition.

6) Mr. Jalisatgi, the learned counsel appearing for the Petitioner submits that the Labour and Industrial Courts have grossly erred in setting aside the dismissal order and directing reinstatement of the Respondent. That Respondent does not answer description of the term 'workman' within the meaning of Section 2(s) of the Industrial Disputes Act, 1947 (**ID Act**) and 'employee' within the meaning of Section 3(5) of the MRTU & PULP Act. That the Labour Court has failed to conduct proper enquiry into the status of the Respondent, who was engaged in supervisory capacity. That he was in charge of the Legal Department as per his own letter dated 13 September 2014. That Respondent was also a Special Recovery Officer having charge of files pertaining to various other cases. He was coordinating with the advocates engaged by the Petitioner-Bank. He was attending court cases on behalf of the Bank and was also instituting cases under Section 138 of the Negotiable Instruments Act, 1888. He was guiding the Special Recovery Officer from time to time and was occupying the position as Senior Executive. That therefore the findings recorded by the Labour and Industrial Courts on the issue of status of the Respondent are clearly perverse. That the Industrial Court has not gone in the aspect of status at all.

7) Mr. Jalisatgi further submits that Respondent is rightly dismissed from service for failing to obey the transfer order by handing over charge of his post despite repeated reminders. That Respondent had created an atmosphere of terror in his office. That he was in the habit of lodging false cases under the Atrocities Act against the Bank employees and officers. That the threat given by him was put in reality by actually lodging false criminal prosecution under the Atrocities Act against two bank officials and the said prosecution was ultimately proved to be completely fallacious. That the Bank cannot retain in service an employee who was consistently threatening the Bank officials with atrocity cases and was refusing to obey the valid orders issued by the Bank. That if he was aggrieved with the transfer, he ought to have challenged the same. That he was constantly exhibiting incalcitrant behaviour and had become an element of indiscipline in the Bank. That the misconduct committed by him is duly proved by leading of adequate evidence. That the Labour Court has ultimately held that unfair labour practices under Items-1(a) and 1(f) are not proved. That therefore directions for reinstatement of the Respondent are clearly erroneous. He would pray for setting aside the orders passed by the Labour and Industrial Courts.

8) *Per contra*, Mr. Joshi, the learned counsel appearing for the Respondent, opposes the Petition submitting that the dismissal is concurrently upheld by the Labour and Industrial Courts. That the Bank did not even bother to issue a chargesheet or to conduct an enquiry against the Respondent. That it is established in the evidence that Respondent has been promoted in the course of his employment thereby

belying the allegations sought to be levelled against him. That Respondent was merely given a glorified designation, but he continued to discharge clerical nature of duties. That the Labour Court has rightly upheld the status of the Respondent. That the Respondent is harassed on account of his association with the union and because he took up the cause of other transferred employees. That he was on the Board of Directors as representative of the employees and the Bank has subjected him to victimisation. That only a minor misconduct under Item No.1(g) of the MRTU & PULP Act is established for which the punishment of dismissal was grossly disproportionate. That the Respondent was transferred repeatedly in order to harass him. That he has not committed any serious misconduct so as to warrant dismissal from service. He accordingly prays for dismissal of the Petition.

9) Rival contentions of the parties now fall for my consideration.

10) The Labour and Industrial Courts have concurrently held termination/dismissal of the Respondent as bad in law. The Labour Court has awarded only reinstatement without backwages. As observed above, though Respondent was aggrieved by denial of backwages and had preferred Revision Application No.19 of 2024 before the Industrial Court, he has not challenged order dismissing his Revision. This would mean that the employee has accepted the position that he would not secure backwages though the dismissal is held to be illegal. Therefore, the short

issue that arises for consideration is whether the Respondent is entitled for reinstatement in service.

11) The first issue for consideration is whether Respondent was a 'workman' within the meaning of Section 2(s) of the ID Act and an 'employee' under Section 3(5) of the MRTU & PULP Act. The Respondent was assigned the designation of Senior Executive. However, it is well-settled position that mere designation of a person cannot decide his status and what needs to be taken into consideration is the nature of duties and responsibilities performed by him/her. It is the case of the Petitioner-Bank that Respondent was in-charge of the Legal Department and that he had an authority to directly deal with advocates and look after the litigation of the bank. It is also sought to be contended that he functioned as Recovery Officer of the bank at the relevant time and had charge of 400 to 500 Awards passed under Section 101 and 91 of the Maharashtra Cooperative Societies Act, 1960. However, the Bank did not produce before the Labour Court any order passed by the Respondent in capacity as Recovery Officer. Mere working as Senior Executive in the Recovery Department/Legal Department would not make engagement of the Respondent *ipso facto* in managerial, supervisory or administrative capacity. It appears that the bank's witness, Mr. Ashok Laxman Babad, Chief Executive Officer admitted in his cross-examination that Senior Executive is post lower in rank than that of Branch Manager. He also admitted that a Senior Executive cannot take any decision relating to sanction or disbursal of loan. He admitted that Senior Executive does not exercise any appointment or disciplinary powers over any employees.

Merely because he was posted in Bank's Legal Department or was handed over files relating to litigations initiated by the Bank, the same would not *ipso facto* make the Respondent Manager or Supervisor. Even a Clerk at times can look after the Legal Department and give instructions to advocate for prosecution/defence of bank's cases. There is nothing on record to indicate that the Respondent has large number of staff employed under him, whose work he was supervising. Therefore, mere handling of 400/500 cases while working as Senior Executive would not make the Respondent a Manager or Supervisor or Administrator. The Bank did not prove authority in the Respondent to transfer, deploy, grant leave or decide any service conditions relating to any employees of the Bank. Even *qua* the working of the Bank, it appears that Respondent did not have any authority to take decisions on behalf of the Bank. He worked under the authority of supervisory officers that headed the Legal Department. In my view therefore, the Labour Court has rightly upheld the status of the Respondent as 'workman' under Section 2(s) of the ID Act and an 'employee' under Section 3(5) of the MRTU & PULP Act.

12) Coming to the merits of the case, the Respondent was dismissed from service without holding any enquiry. Respondent functioned as Staff Director on the Board and was apparently involved in union activities. It is the allegation of the Bank that Respondent was repeatedly taking shelter behind his status of belonging to backward category and was repeatedly threatening the management of implicating them in false cases. The Bank has taken a stand that Respondent had created an element of terror in the Bank and therefore it was

impracticable to hold enquiry against him. In the dismissal order, following reasons are recorded:

तुम्ही बँकेमध्ये सध्या सिनि. एक्झि या पदावर कार्यरत आहात. तुमचे विरुद्ध अतिशय गंभीर स्वरूपाचे आरोप प्राप्त झाले असून तुम्ही कामावर असतांना अतिशय गंभीर स्वरूपाचे गैरवर्तन केल्याबाबत तक्रारी तुमचे विरुद्ध आहेत. त्यामध्ये तुम्हाला मुख्य कार्यालय नाशिकरोड येथून दि.११/०९/२०१४ च्या आदेशान्वये बँकेच्या देवळालीकॅम्प शाखेमध्ये प्रशासकीय कारणास्तव बदली केल्याचे आदेश देऊन पदमुक्त होण्याचे आदेश दिले असतांनाही तुम्ही बँकेच्या तथा तुमचे वरीष्ठ श्री बजाज विजय दयाकिसन, असि. जनरल मॅनेजर यांचे आदेशांना केराची टोपली दाखविली व सदर आदेशांची पायमल्ली करून जाणून बुजून बळजबरीने बँकेचे मुख्य कार्यालय येथेच राहिल, कोण माझी बदली करतो तेच पाहतो, मी मागासवर्गीय आहे हे लक्षात ठेवावे अशा धमक्या देवून बँक व्यवस्थापनाविरुद्ध दहशत निर्माण केली आहे. तुम्ही तुमच्या मागासवर्गीय असल्याचा गैरफायदा घेवून वारंवार दबावात ठेवत आहात. वास्तविक तुमच्या जातीविषयी व्यवस्थापनाचा कधीही अनादर नव्हता व नाही अशा परिस्थितीत तुमचे वरीष्ठ श्री बजाज विजय दयाकिसन असि. जनरल मॅनेजर यांनी तुम्हास वारंवार पदभार देणे बाबत सुचना तथा आदेश दिलेले आहे मात्र आजपर्यंत ते आदेश पाळलेले नाहीत. बँकेचे मुख्य कार्यकारी अधिकारी यांना देखील तुम्ही धमकाविले कि, बँकेत सी.ई.ओ मी टिकू देत नाही तुम्ही माझ्या विरुद्ध कारवाई केल्यास महिलांबाबत खोट्या तक्रारी करून तम्हास येथून जाण्यास भाग पाडाल असे सांगून दबावात आणले.

तुमचे वर्तन हे अतिशय उद्धट स्वरूपाचे असून बँकेच्या वरीष्ठ अधिकाऱ्यांची तमा न बाळगणे तथा त्यांचेविरुद्ध विनाकारण खोटेनाटे महिलांबाबत तसेच मागासवर्गीयबाबत आरोप करून बँक व्यवस्थापनास दडपणात ठेवत आहात. तुम्ही बँकेच्या वरीष्ठ संचालकांना अर्वाच्च भाषा वापरणे, त्यांचे अंगावर धावून जाणे, बँकेच्या कर्मचाऱ्यांसमोर पानउतारा करणे, बँक बंद पाडण्याची धमकी देणे इत्यादी विघातक कारवाया केल्या असून बँकेबाबत जनमानसात तथा बँकेच्या ग्राहकांमध्ये संभ्रम निर्माण करण्याचे काम केले असून त्यामुळे बँकेच्या इभ्रतीस धोका पोहचेल, बँकेचे नाव खराब होईल आणि बँकेस नुकसान होईल अशी बँकेच्या हिताचे विरुद्ध कृत्य केलेले आहे. तसेच बँकेच्या पदाधिकाऱ्यांविरुद्ध लोकांना भडकावून तथाकथित घोटाळ्यांच्या तक्रारी करण्यास प्रवृत्त करणे इत्यादी कृत्य करून बँक व्यवस्थापनास सळो की पळो करून सोडले आहे.

13) Since enquiry was not conducted, the burden was on the Petitioner-Bank to justify its action by leading evidence. The Bank examined Mr. Ashok Laxman Babad, Chief Executive Officer and Mr. Vasantrao R. Nagarkar, the then Chairman as its witnesses. Perusal of the Affidavit of evidence of Mr. Ashok Laxman Babad would indicate that his evidence on the misconduct is totally vague. He leveled general allegations against the Respondent of arrogant behaviour and creation of an atmosphere of terror. It would be appropriate to reproduce substantial part of Affidavit of evidence of Mr. Ashok Laxman Babad which is as under:

4. I say that the complainant was working on a very responsible post of senior executive in the Respondent Bank. Banking is a very sensitive business and a very delicate issue of public money is involved. Therefore, the employees and staff-members are required to show due diligence and sincerity while working. However, the complainant showed a very arrogant attitude and created a terror atmosphere in and around the Bank. The complainant on 11.09.2014 was transferred for administrative reasons from main branch to Deolali branch of the Bank and was instructed to handover the charge. Distance between both these branches is only 7 km. Still the complainant did not obey the order of transfer and showed no respect to the order / instructions of his superior Mr. Vijay Dayakisan Bajaj, Asst. General Manager and in utter disregard of his orders, deliberately and forcibly remained at main branch only. The complainant threatened the bank management saying that "mukhya karyalayay ethech rahil, kon majhi badali karto tech pahato, me magasvargiya ahe he lakshat theva" and thus created tensed atmosphere in the Bank.

5. I say that the complainant time and again was taking undue advantage of his being from a backward class society. The management of the Bank has nothing to do with the caste and religion of its employees however the complainant time and again tried to take undue advantage of the same and used it against the management as weapon. That the general manager Mr. Vijay Bajaj time and again instructed and ordered the complainant for handing over the charge however the complainant didn't pay any heed to the same. Not only this but also the complainant as a pattern of his behavior has threatened the chief executive officer of the Bank saying that "Banket me CEO tiku det nahi, tumhi majhya viruddha karvai kelyas mahilanbabat khotya takrari karun tumhas yethun janyas bhag padel and actually put undue pressure on the CEO. That the complainant many times has actually mis-utilized his being from scheduled cast against the top officials of the management with a view to keep the management under pressure.

6. I say that the complainant was thus keeping the management under pressure by threatening them about false cases about ladies and atrocity. Not only this but also the complainant had used filthy and abusive language with unconstitutional gestures against the senior directors of the Bank and rushing onto them with an intent of assaulting. He has many times threatened that he would close the Bank and used most unconstitutional language against the Senior Directors of the Bank in the presence of various employees and directors of the Bank.

7. I say that the complainant crossed limits when he indulged into an act of spreading false news of Bank being closed and created confusion in the minds of the customers against the Bank Management. Due to these acts of the complainant the Bank lost its goodwill in public. This acts on the part of the

complainant is against the interest of the Bank thereby causing loss of goodwill. Further the complainant was involved in the acts of instigating people against the management by spreading false rumors and thereby provoking them to lodge complaints against the management with an ulterior motive to put the management under pressure and to recognize complainant's nuisance value. Due to all these activities of the complainant, the management had lost confidence in him and found that his presence in the service and on the premises of the Bank could further damage the goodwill and interest of the Bank.

8. I say that the approach of the complainant was so fearful that conducting an enquiry against him also would have been proved to be very difficult and non practical as the complainant is in a habit of making false allegations of any kind. Therefore, the management was forced to take a decision to dismiss him from the services and thereby reserved its rights to prove the charges leveled against him in the Hon. Court.

9. I say that the said act on the part of the complainant is serious act of misconduct. However, the complainant was keen in gathering other employees, giving threats, instigations to other employees and customers, using abusive and filthy language to the senior officers as well as directors of the Bank, Chairman and Vice Chairman of the Bank. The behaviour of the complainant was beyond control.

10. I say that due to the said circumstances, the presence of complainant became dangerous to respondent bank, hence, it was not possible for the respondent bank to conduct disciplinary/ departmental enquiry against the complainant. It was also dangerous and detrimental for respondent bank to keep the complainant in the services of respondent bank taking into consideration the serious misconduct committed by the complainant and hence, the respondent bank decided to dismiss the services of the complainant. It is submitted that, due to the terror and tense atmosphere created by the complainant, it was not possible for the respondent bank to hold departmental enquiry. Hence, the respondent bank has reserved the right to prove the charges of said misconduct before the Hon. Court.

14) Perusal of the above evidence would indicate that there is absolutely no reference to any particular incident with reference to date, time etc. Mr. Babad has also not led any specific evidence in relation to any personal interaction with the Respondent. Thus, the evidence of Mr. Babad is insufficient for holding that the allegations levelled in the

dismissal order are proved before the Labour Court. Even *qua* the alleged threat given to the CEO about implication in false cases relating to women, there are no particulars. To whom the threat was given is unclear. The witness was himself the CEO. However the Affidavit of Evidence is silent as to whether the said threat was given by the Respondents to him. The witness has made a vague statement in his Affidavit that “*Not only this but also the complainant as a pattern of his behavior has threatened the chief executive officer of the Bank saying that "Banket me CEO tiku det nahi, tumhi majhya viruddha karvai kelyas mahilanbabat khotya takrari karun tumhas yethun janyas bhag padel and actually put undue pressure on the CEO."* If this threat was given to the witness, he ought to have stated that the threat was given to him and ought to have disclosed the date, time, place etc. of the incident. Regarding the alleged threat given after his transfer, the same was apparently given to Mr. Vijay Dayakisan Bajaj, Asst. General Manager. However he is not examined as a witness before the Labour Court.

15) To make the case of the Bank worse, Mr. Ashok Laxman Babad gave several admissions in his cross-examination. He admitted that no chargesheet was ever issued to the Respondent during his past service. Though he spoke of memos and letters, the same were not produced on record. He admitted that no Director of the Bank had raised any complaint against the Respondent. He also admitted that except Mr. Vaidya and Mr. Pund, Respondent never filed any atrocity complaint against any other Director or bank official. Thus, evidence of the witness

Mr. Ashok Laxman Babad does not make out a case of misconduct being committed by the Respondent as alleged in the dismissal order.

16) Coming to the evidence of Mr. Vasantrao R. Nagarkar, Ex-Chairman, his evidence is absolutely vague. He gave evidence of Respondent threatening the CEO of the bank saying that “*Banket me CEO tiku det nahi, tumhi mazya viruddha karvai kelyas mahilanbabat khotya takrari karun tumhas yethun janyas bhag padel*”. However, to whom such statement was uttered and what was the date of making that statement, is not disclosed by the witness. Whether he was personally present when such utterances were made is also unknown. The evidence of the Ex-Chairman is thus equally vague, lacking in material particulars such as date, time etc. In his cross-examination, he gave several admissions of Respondent being promoted during the course of his employment. He admitted that he was not an eye witness to any of the incidents. He admitted that he himself did not make any complaint to the police station.

17) Considering the overall evidence on record, it is difficult to hold that the Petitioner-Bank was in a position to prove every allegation leveled in the dismissal order. However the misconduct of refusing to join the transferred post is proved against the Respondent. The Labour Court has rightly concluded that the case does not involve loss of faith merely because the Respondent refused to join the transferred place. The only charge which is proved against the Respondent is refusal to obey the transfer order. May be his conduct post issuance of the transfer order is

not conducive to the discipline expected from an employee. However for this misconduct, punishment of dismissal was clearly unwarranted. The Labour Court has rightly set aside the dismissal order. Since some misconduct is proved against the Respondent, he is denied backwages. The Industrial Court has correctly upheld the order passed by the Labour Court. The Industrial Court has also dismissed the Revision preferred by the Respondent seeking payment of full backwages.

18) In the present case, the Bank took the risk of not conducting any disciplinary enquiry against the Respondent. The allegations levelled in the dismissal order were vague without any reference to date, time etc. At least before the Labour Court, the Respondent-Bank ought to have proved the allegations by leading cogent evidence. Also, both the witnesses examined by the Bank gave vague evidence without any material particulars. The Bank ought to have examined the witnesses who were allegedly threatened by the Respondent. The incident has essentially arisen on account of transfer of the Respondent from Head Office to Deolali Camp office. Respondent is obviously not right in refusing to obey the transfer order and to insist upon working at the previous posting without handing over the charge. For this misconduct, the Labour Court has rightly denied him backwages. However, on the basis of vague allegations of creating an atmosphere of terror by repeatedly threatening the bank officials, the dismissal order cannot be sustained. In my view therefore, the Labour Court has rightly set aside the dismissal order and the Industrial Court has correctly upheld the order of the Labour Court.

19) Mr. Jalisatgi has relied upon judgment of the Apex Court in **Colour-Chem Ltd. Versus. A.A. Alaspurkar & Ors.**¹ in support of his contention that even for proof of misconduct under Item No.1(g) of Schedule-IV of the MRTU & PULP Act, termination/dismissal can be ordered. However, in the case before the Apex Court, the charge was of sleeping on duty and negligence in keeping the machine in working state without putting necessary raw material therein. As against this, the misconduct proved against the Respondent is only of defying the order of transfer. The ratio of the judgment does not apply to the facts of the present case.

20) The Labour Court has ordered reinstatement of the Respondent w.e.f. 22 October 2014. The Labour Court's order is passed 10 years after dismissal on 7 August 2024. It appears that on account of pendency of cross Revisions, the Bank has not yet implemented the order of the Labour Court. Thus, period of 12 long years has elapsed from the dismissal of the Respondent. Respondent joined the services with the Petitioner-Bank on 25 January 2002 and by the time of dismissal, he has rendered about 12 years of service. Thus, for equivalent period, the Respondent is out of service. His age at the time of filing the Complaint i.e. 30 October 2014 was declared as 38 years. This would mean that the Petitioner is now at an advanced age of 50 years. The relationship between the parties has soured on account of pendency of litigation. In my view therefore, it would not be in the interest of both the parties that Respondent joins back the services of the Petitioner-Bank. In my view therefore, it would be appropriate to award lumpsum compensation to the Respondent in lieu of reinstatement. The Labour Court's order is dated 7

1 (1998) 3 SCC 192

August 2024, after which the Petitioner-Bank was under obligation to pay full backwages to the Respondent. He was accordingly drawing wages of Rs.23,000/- at the time of his dismissal. He is left with 8 years of service if age of retirement is considered as 58 years and 10 years of service if age of retirement is considered as 60 years. Respondent has committed some misconduct in showing incalcitrant attitude in openly defying the orders issued by the Bank and challenging the authority of Director and officials of the Bank. Such conduct on the part of the Respondent is subversive to the discipline of the Bank. The Bank is justified in punishing the Respondent, but it went overboard by dismissing him from service. The Bank could have either examined the witnesses who were threatened by the Respondent by deposing about the details of misconduct. It has failed to do so. Therefore, only the misconduct of defying the orders is proved. For this misconduct, some other punishment could have been imposed such as withholding of increments or reversion, etc. The conduct of the Respondent in levelling false allegations of atrocities against the Bank Officials also does not appeal to this Court. For discharging their duties, they cannot be made to undergo criminal prosecution and spend time, energy and money in defending themselves. Considering the overall conspectus of the case, in my view, interest of justice would be met if Respondent is awarded a lumpsum compensation of Rs. 20,00,000/- in lieu of reinstatement and wages payable after the order of the Labour Court. Such lumpsum compensation would include all dues payable by the Petitioner-Bank to the Respondent in respect of his service.

21) I accordingly proceed to pass the following order:

(i) Judgment and order dated 7 August 2024 passed by the Labour Court, Nashik in Complaint (ULP) No.38 of 2014 and judgment and order dated 10 July 2026 passed by the Member, Industrial Court, Nashik in Revision Application (ULP) No.19-20 of 2024 are modified by directing that Respondent shall not be entitled to reinstatement or continuity with the Petitioner-Bank.

(ii) Petitioner-Bank shall pay to the Respondent lumpsum compensation of Rs.20,00,000/- in lieu of reinstatement and wages towards full and final settlement of all service-related claims of the Respondent.

(iii) Beyond the lumpsum compensation of Rs. 20,00,000/- so awarded, the Respondent shall not be entitled to any other service-related benefits from the Petitioner-Bank, except Provident Fund. The awarded compensation shall be paid by the Petitioner to the Respondent-employee within a period of 2 months, failing which Respondent shall be entitled to interest @ 8% p.a. from the date of awarded compensation after expiry of period of 2 months.

22) With the above directions, the petition is partly allowed and disposed of.

[SANDEEP V. MARNE, J.]