

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
LETTERS PATENT APPEAL NO.197 OF 2011 IN
WRIT PETITION NO.1824 OF 2011

Haribhau s/o Ramrao Shirsath,
aged years, Occ: unemployed,
R/o Gangadevi Post, Taluka Ashti,
District Beed.

Appellant

Versus

M/s Fouress Engineering India
Pvt. Ltd.,

Respondent

Mr.U.S.Sawaji, advocate for the appellant

CORAM : R.M.BORDE &

P.R.BORA, JJ.

DATE : 07th August, 2015

PER COURT:

1 The appellant is taking exception to the order dated 13.04.2011, passed by the learned Single Judge, dismissing Writ Petition No.1824 of 2011.

2 The appellant was in employment with the Respondent from 19.04.1986 as a Trainee Fitter and was subsequently absorbed on completion of probation period.

3 It is the allegation that appellant was involved in serious act of misconduct and as such, he was served with charge sheet on 15.03.1988 and regular departmental enquiry was initiated against him in which the appellant participated and at the conclusion of the enquiry, punishment of dismissal from service

has been imposed.

4 There was some agitation launched in the month of February 1986 in the factory under CITU banner. It is alleged that on 20.02.1988, a co-workman Shri S.V.Joshi was attacked at the factory gate at about 3.00 p.m. and according to the Management, assault was arranged by the appellant. However, according to the appellant, attack was at the instance of the Management.

5 It is not necessary to enter into factual aspects as regards allegations levelled against the appellant or as against the Management. The question, that arose for consideration before the Labour Court, was as to whether findings of Inquiry Officer were perverse and as to whether appellant herein was extended fair opportunity to raise his defence during inquiry proceedings. Learned Judge of the Labour Court, after recording evidence of the parties, has ruled that inquiry conducted by the Management was fair and proper and that the employee was given an appropriate opportunity to raise his defence.

6 Learned Judge of the Labour Court has also recorded a finding that the appellant has failed to establish that the Management has engaged in unfair labour practice in dismissing the employee i.e. appellant from service. The findings of facts recorded by the Labour Court have been confirmed by the Industrial Court while dealing with Revision Application tendered by the appellant. The challenge raised to both these judgments i.e. of the Labour Court and Industrial Court has been turned down by the learned Single Judge while dealing with Writ Petition No.1824

of 2011.

7 There is no *prima facie* material brought before us to demonstrate that the inquiry conduct by the Management was vitiated on account of violation of principles of natural justice. Considering the allegations, the punishment also cannot be said to be disproportionate to the charges levelled against the appellant. In our view, therefore, no interference is called for. Appeal is devoid of substance.

8 Letters Patent Appeal stands dismissed. Pending Civil Applications do not survive and stand dismissed.

P.R.BORA
JUDGE

adb/lpa19711

R.M.BORDE
JUDGE