

IN THE HIGH COURT OF JUDICATURE OF BOMBAY,
BENCH AT AURANGABAD

WRIT PETITION NO. 981 OF 2015

Gorakh Bhaurao Galphade ... Petitioner

Versus

Chief Officer,
Janta Sahakari Bank Ltd.Pune,
and another ... Respondents

.....
Mr. S.B. Gastgar, Advocate for petitioner
.....

CORAM : RAVINDRA V. GHUGE, J.

DATED : 10th FEBRUARY , 2015

PER COURT :

1. The petitioner has been dismissed from employment on 10-03-2014 for proved mis-conducts. Complaint (ULP) No. 24 of 2014 is pending adjudication. Issues are yet to be cast.

2. The petitioner prayed for interim relief by application Exhibit U-2 which has been rejected by order dated 27-03-2014. The petitioner preferred Revision (ULP) No. 27 of 2014 before the Industrial Court, Aurangabad which came to be dismissed on 11-11-2014.

3. Grievance of the petitioner is that the interim relief application had been filed for seeking reinstatement in employment. The said request has been turned down. It is, therefore, submitted that the petitioner will have to face starvation without interim relief.

4. It is no longer *res-integra* that interim relief of reinstatement or stay to the enquiry proceedings cannot be granted. Issue as regards fairness of the enquiry and the fairness of the findings of the Enquiry Officer, have to be first gone into before the Trial Court causes any indulgence.

5. Even if the enquiry is set aside for any reason whatsoever and in the event the respondent employer has reserved a right to conduct a *denovo* enquiry, no relief in the nature of reinstatement or even subsistence allowance is payable in the light of the judgment of this court in the matter of *Mumbai Cricket Association Vs. Pramod G. Shinde*, reported at 2011 (3) Bom.C.R. 52 (O.S.) and in the matter of *Maharashtra State Road Transport Corporation , Beed and another Vs. Syed Saheblal Syed Nijam*, reported at 2014 (4) Mh.L.J. 687.

6. In the light of the above, I do not find that the Labour Court has committed any error in rejecting application for interim relief. The Industrial Court has also rightly rejected the revision petition.

7. In the light of the above, this petition is dismissed for being devoid of merit. Needless to state, the petitioner is at liberty to pursue his prayers as set out in the complaint and in the light of the judgment of this Court in the case of *Maharashtra State Road Transport Corporation , Beed and another Vs. Syed Saheblal Syed Nijam*, reported at 2014 (4) Mh.L.J. 687

(**RAVINDRA V. GHUGE, J.**)