

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.2992 OF 2015

Shri. Ganesh Sambhaji Kolungade Petitioner

Vs.

The Sarpanch, Group Gram Panchayat.... Respondents
Purnagad & Anr.

Mr. Popat R. Rathod, Advocate for the Petitioner.
None for the Respondents.

Coram : Smt. R.P. SondurBaldota, J.
Date : 12th August, 2015

P.C.

1 The petitioner-employee challenges the order dtd.1st October, 2014, by which the Labour Court dismissed his reference (IDA) No. 4 of 2013 seeking reinstatement in service. The petitioner claims that he had resigned from service on 25th October, 2012, but had withdrawn his resignation within four days thereafter i.e. on 29th October, 2012. It was his contention that because the resignation was withdrawn even before the same was accepted by the respondent, it could not have been subsequently accepted and hence he was entitled for reinstatement in service. It was also claimed by the

petitioner that on 2nd November, 2012, when he reported for duty alongwith the medical certificate, he was not permitted to join duty.

2 It is not the case of the petitioner that he had applied for medical leave, which was sanctioned by the respondent. The respondent has brought on record several misconducts on the part of the petitioner including that of mis-appropriation of money, misuse of the receipt-book of the respondent. The petitioner in his cross-examination admitted in terms that the alleged misconduct has been committed by him. In such circumstances, the Labour court held that once the petitioner voluntarily resigned from the service, there was no question of his removal from service and therefore, there was no unfair labour practice adopted on the part of the respondent. There is no infirmity whatsoever in the impugned order. Hence, the petition is dismissed.

(Smt. R.P. SondurBaldota, J)