

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

WRIT PETITION NO.5223 OF 2014

Mr. Ananda Rajaram Thorbole Petitioners

Vs.

M/s Kirloskar Brothers Limited Respondent

Mr. Sandeep S. Mutalik, Advocate for the Petitioners.

Mr. R.S. Pai, Senior Counsel i/by Haresh Mehta & Co. for the Respondent.

Coram : Smt. R.P. SondurBaldota, J.

Date : 17th June, 2015.

P.C.

1 This petition is directed against the order dtd. 5th March, 2013, by which the Industrial Court allowed the Revision Application (ULP) No. 27 of 2012 and set aside the order dtd.8th February, 2012, passed by the Labour Court in Complaint (ULP) No.18 of 2010 deciding the preliminary issue. The complaint filed by the respondent challenges his dismissal from service for misconduct. The Labour Court held that the finding of the Enquiry Officer is perverse in as much as the same does not take into account omissions and contradictions in the evidence led before him.

2 Heard the learned advocates. Perused the record. The order impugned in the petition merely remands the matter back to the Labour Court for fresh hearing. The Industrial Court in the impugned order observes that the Labour Court in its order did not specifically point out the material omissions as well as contradictions that had been omitted from consideration by the Enquiry Officer while drawing the finding of guilt. It also noted that the omissions and contradictions referred to by the Labour Court were material mostly in criminal cases and not in the proceedings before the Labour Court. Perusal of the impugned order shows that there is material to support the same. In any case opportunity to the petitioners is not completely closed with the order. The direction in the impugned order is only of the remand. Hence, I am not inclined to interfere with the same. The petition is dismissed.

(Smt. R.P. SondurBaldota, J.)