

Sequeira

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

WRIT PETITION NO. 5579 OF 2015

Ratanchand Shah Sahakari

Bank Ltd. & anr.

.. Petitioners

Vs.

Rajkumar Shankar Chelekar.

.. Respondent

Mr.Suhas Inamdar, for Petitioners.

Mr.Neel Helekar, for the Respondent.

***CORAM: N.M.Jamdar, J.
Monday 26 October, 2015***

P.C. :

By this petition the Petitioner employer challenges the orders passed by the Labour Court, Solapur dated 17 January 2015 and Industrial Court, Solapur dated 2 April 2015, granting interim relief in favour of the Respondent, staying his order of suspension issued on 30 July 2014.

2. The Respondent filed an Application (B.I.R. No.1 of 2014) in Labour Court, Solapur. The Respondent prayed that the order of suspension dated 30 July 2014 be set aside. According to the Respondent his suspension pending the inquiry was not warranted at all considering the nature of charges and also that he was suspended to prevent him from participating in Unions activities. In this proceedings, an application for an interim relief was taken out

which has been granted by both the Courts below. The learned counsel for the Petitioners submitted that the charges against the Respondent were serious and the Courts ought not to have interfered with the prerogative of the Petitioners in placing an employee under suspension during the enquiry. He submitted that both the Courts have made observation on the merits of the matter which will conclude the inquiry itself.

3. Both the Labour Court, and the Industrial Court in appeal on facts, have come to the conclusion, by looking at the nature of the charges, that suspension of the Respondent was not warranted. The so-called observations on merits which have been made in the context of need for suspension and cannot be construed as observations on merits of the charges. It is also informed that the inquiry is already commenced and at the stage of evidence. Considering the ambit of the inquiry it does not appear that it will take long time to conclude and that the cooperation of the parties can easily be concluded within a period of two to three months. In the circumstances, the orders staying the suspension which is in operation since January 2015 confirmed by the order dated 2 April 2015 can be continued till the disposal of the inquiry itself.

4. Considering the facts and circumstances, I do not think that there is any case made out for interference with the discretionary orders passed by the Labour Court and Industrial Court. The learned counsel for the Respondent states that Respondent is not averse for concluding the inquiry at an early stage. Therefore, if

the Petitioners decide to complete the inquiry within the period of three months from today, the Respondent will extend all the cooperation. The Writ petition accordingly is disposed of in above terms. It is made clear that the inquiry will be on its own merits uninfluenced by the observations of both the Courts.

Petition is rejected.

(N.M.Jamdar, J.)