

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 6976 OF 2014

Samson Anada Kagnulkar

.....Petitioner

: V/S :

Shri. Sidhivinayak Ganpati Cancer
Hospital and Ors.

.....Respondents

* * * * *

Mr. Ajit Karwande, Advocate for the petitioner.

Mr. Kiran Bapat i/by. Mr. Avinash Fatangare, Advocate for respondent
no.1.

Mr. A.R. Metkari, AGP for respondent no.2.

* * * * *

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

24th JUNE, 2015.

P.C. :-

1). This petition challenges the Part-I Award dated 17th February, 2014 passed by the Labour Court, Sangli holding that the domestic enquiry conducted by respondent no.1 is fair and proper and that the findings arrived at by the Enquiry Officer are not perverse.

2). The first grievance raised by Mr. Karwande, the learned Advocate appearing for the petitioner is that the issue framed by the learned Judge relates only to the fairness of the enquiry and there is no issue as regards legality of the findings of the enquiry officer. There is no

substance in the contention raised because the aspect of legality of the findings of the Enquiry Officer has been specifically considered at para-14 of the order.

3). The other grievance is about rejection of application for production of 18 documents. Mr. Karwande has, however, restricted his complaint to non-production of the documents at serial nos.5, 6, 8, 10, 11 and 12. The application filed by the petitioner does not describe the documents specifically. Further, whatever description given is difficult to comprehend eg. the document at serial no.5 is "Inventory Register in respect of I.P.D, O.P.D, O.R.I., R.T. etc." Then there are documents such as admission and discharge book, bill book, receipt book, deposit book, and charges book which are equally irrelevant for the charges against the petitioner. Thus, there is no infirmity whatsoever in the impugned order. Mr. Bapat, learned Advocate appearing for respondent no.1, also points out that the petitioner has examined himself in the enquiry proceedings and his deposition nowhere raises any grievance as regards the documents. Hence, the petition is dismissed.

(SMT. R.P. SONDURBALDOTA, J)