

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 2716 OF 2015.

(MAHENDRA KRISHNARAO PINJARKAR...VS..EXECUTIVE ENGINEER, MSEDCL URBAN DN.AMT.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

CORAM : Z.A.HAQ, J.

DATED : JULY 28, 2015.

Heard Shri M.R.Pillai, leaned advocate for the petitioner and Shri A.R.Patil, learned advocate for the respondent.

The petitioner-employee has challenged the orders passed by the subordinate Courts rejecting the application filed by the petitioner under Section 30(2) of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971. The petitioner had prayed before the subordinate Courts for an interim order restraining the respondent-employer from taking action pursuant to the show cause notice dated 6th February, 2015.

The learned advocate for the petitioner has made elaborate submissions relying on the provisions of Clauses 10, 89 and 90 of the Maharashtra State Electricity Distribution Company Limited Employees Service Regulations, 2005. It is submitted that the respondent-employer cannot take any action against the petitioner only because of the conviction of the petitioner. It is submitted that the respondent is required to hold summary proceedings and the decision is required to be taken only after the charge-sheet is given to the employee. It is submitted that the action proposed against the petitioner

will result in double jeopardy as far as petitioner is concerned as the petitioner has already suffered the punishment for the same charge earlier and two increments with cumulative effect receivable by the petitioner have been stopped. It is submitted that the subordinate Courts have overlooked the above referred facts and it has resulted in the erroneous orders.

Shri Patil, the learned advocate for the respondents has submitted that the contention raised on behalf of the petitioner that he is put to double jeopardy is misdirected. It is submitted that the subordinate Courts have properly dealt with the matter and the impugned order does not call for any interference by this Court. The learned advocate for the respondent has relied on the judgment given by the Hon'ble Supreme Court in the case of *Shanti Lal Meena Vs. State (NCT of Delhi)*, reported in **(2015) 6 SCC 185** to substantiate the action of the respondent.

After going through the order passed by the Industrial Court, I find that after appreciating the material on the record in paragraph 12 of the impugned order, the Industrial Court has recorded that the service book of the petitioner does not support the contentions of the petitioner that the petitioner is put to double jeopardy and that he is being punished for the same incident twice.

I see no reason to interfere with the impugned order at this stage as the learned advocate for the petitioner has not been able to point out any perversity or error of jurisdiction by the subordinate Courts while passing impugned orders.

The petition is **dismissed**. In the circumstances, the parties to bear their own costs.

At this stage, the learned advocate for the petitioner submits that the Industrial Court had granted fifteen days' time to the petitioner to file reply to the show cause notice, however, the reply has not been filed as the petitioner has challenged the order passed by the Industrial Court. It is requested that the time be granted to file reply to the show cause notice.

The petitioner is granted fifteen days' time to file reply to the show cause notice.

JUDGE

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