

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 1994 OF 2016

Vasant Balbhim Bhosle
Age: 56 years, Occu.: Service,
R/o Shirur, Near Petrol Pump,
Opp. New Busstand, Tq. Shirur,
Dist. Beed.

..PETITIONER

VERSUS

1. Maharashtra State Electricity
Distribution Company Ltd.,
(M.S.E.D.C.L.) Through Its M.D.,
6th Floor, Prakash Gad, Station Road,
Bandra East, Mumbai.
2. The Executive Director No.2,
(Competent Authority) M.S.E.D.C.L.,
Flat No.1 and 2, Building No.2,
Officers' Colony, Ganeshkhind Road,
Pune, At Post Pune.
3. Executive Engineer,
M.S.E.D.C.L. (O and M.D.O.),
Divisional Officer, Beed.
4. Maharashtra State Electricity
Distribution Company Ltd., (M.S.E.D.C.L.),
Through its Executive Engineer
and Enquiry Officer, Zone Office, Beed.

..RESPONDENTS

....

Mr. H.D. Deshmukh, Advocate for petitioner.
Mr. S.M. Godsay, Advocate for respondents.

....

CORAM : RAVINDRA V. GHUGE, J.
DATED : 23rd FEBRUARY, 2016

ORAL JUDGMENT:

1. Rule. Rule made returnable forthwith and heard finally by the consent of the parties.

2. The petitioner seeks to challenge the second show cause notice dated 15.01.2016 issued by the respondent-employer proposing a punishment on account of proved misconduct.

3. Mr. Deshmukh strenuously submits that he had already preferred a challenge to the suspension pending disciplinary proceedings before the Industrial Court in a complaint filed under Section 28 of the M.R.T.U. & P.U.L.P. Act, 1971. The same has been dismissed. He has challenged the judgment of the Industrial Court in Writ Petition (St) No. 30886/2015. Same is yet to be circulated.

4. He therefore submits that the impugned second show cause notice deserves to be stayed so as to enable the petitioner to

prefer appropriate proceedings for challenging the enquiry officer's report before an appropriate forum. In the event, the respondents are permitted to proceed in arriving at a decision pursuant to the issuance of the impugned second show cause notice, the petitioner would be subjected to manifest in-convenience and grave hardships. He therefore prays that the impugned show cause notice be stayed.

5. Mr. Godsay learned Counsel for respondent submits that the petitioner has already been terminated from service by way of punishment on 12.02.2016, in pursuance to the impugned notice.

6. It is trite law that an employer must be permitted to follow the due procedure of law and take the disciplinary proceedings to a logical end. In the rarest of rare cases, the proposed punishment could be interfered with at the penultimate stage keeping in view the observations of the Hon'ble Supreme Court in paragraph no.53 and 54 of its judgment in the case of *Hindustan Lever Ltd. Vs. Ashok Vishnu Kate, AIR 1996 SC 285*.

7. In the light of the above and in view of the statement made by the respondent that the petitioner has already been terminated by way of punishment, I do not find any merit in this petition. Same is therefore dismissed.

8. Rule is discharged.

(RAVINDRA V. GHUGE, J.)