

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

WRIT PETITION NO. 3373 OF 2015

SUNIL ASARAM SURYAWANSHI  
VERSUS  
AHMEDNAGAR DISTRICT CENTRAL CO OPERATIVE BANK LIMITED,  
AHMEDNAGAR

...  
Advocate for Petitioner : Shri M.K.Bhosale h/f Shri Barde Parag Vijay.  
Advocate for Respondent : Shri Gaware Niteen V.

...  
**CORAM: RAVINDRA V. GHUGE, J.**  
**DATE :- 29<sup>th</sup> September, 2016**

Per Court:

1           The Petitioner is aggrieved by the judgment of the Industrial Court dated 14.01.2015 by which Revision (ULP) No.5/2014 filed by the Respondent was allowed.

2           Clause 2 of the operative part of the impugned order reads as under:-

"2.       *The order passed by the Labour Court on 22.12.2013 on preliminary issue of legality, fairness of enquiry and the findings of Enquiry Officer are quashed and set aside being illegal and wrong. On the contrary, the enquiry was conducted by following principles of natural justice and therefore, enquiry was legal, proper and just and findings of enquiry officer are perverse.*"

3           After this matter was heard on 28.09.2016, both the learned Advocates prayed for time.

4           Today, the learned Advocates for the Petitioner and the Respondent submit, on instructions, that the impugned judgment dated 14.01.2015 be quashed and set aside and Revision (ULP) No.5/2014 be remitted to the Industrial Court, Ahmednagar, by consent, for a hearing afresh.

5           In the light of the above, the impugned judgment dated 14.01.2015 is quashed and set aside by consent. Revision (ULP) No.5/2014 is remitted back to the Industrial Court for considering the challenge posed. All the contentions of the litigating sides are kept open.

6           Needless to state, while deciding the revision petition afresh, the Industrial Court shall keep in view the law laid down by this Court in the matters of *Maharashtra State Cooperative Cotton Growers Marketing Federation Ltd. v/s Vasant Ambadas Deshpande*, **2014(1) CLR 878 : 2014(3) Mh.L.J. 339** and the *MSRTC, Beed v/s Syed Saheblal Syed Nijam*, **2014 (III) CLR 547 : 2014(4) Mh.L.J. 687.**

7           This Writ Petition is, therefore, partly allowed, by consent, in the above terms.