

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

WRIT PETITION NO.3795 OF 2016

(Smt. Indubai w/o Shyamsunderrao Gedekar ..vs.. Agro Fab Machineries Pvt. Ltd., Nagpur)

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 : 07-07-2016

Heard Shri M.V. Mohokar, Advocate for the
petitioner-employee.

2. The orders passed by the Labour Court and by the Industrial Court in revision, rejecting the prayer of the petitioner-employee for interim relief, are challenged.

3. The petitioner has filed complaint under Section 28 of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971 (hereinafter referred to as "the Act of 1971") seeking declaration that the charge-sheet issued by the employer to initiate departmental enquiry is bad in law as the charges are vague and it does not contain the necessary and required particulars. The petitioner has prayed that the charge-sheet be quashed. The petitioner filed an application under Section 30(2) of the Act of 1971 praying that the departmental enquiry initiated against the petitioner-employee be stayed.

The prayer of the petitioner is rejected by the subordinate Courts.

4. The learned Advocate for the petitioner has submitted that the charges levelled against the petitioner are vague and therefore, the departmental enquiry cannot be conducted on the basis of such vague charges. To fortify the contention, reliance is placed on the judgment given by the Hon'ble Supreme Court in the case of *Anil Gilurker vs. Bilaspur Raipur Kshetria Gramin Bank and Another* reported in 2012-II LLJ 20(SC) and the judgment given by the Madhya Pradesh High Court in the case of *N. Hanumantha vs. Union of India and Ors.* reported in 2006 LAB.I.C. 2903 (MP).

The proposition which culls out from the above judgments is well settled. However, in my view, as the complaint filed by the petitioner is still pending before the Labour Court for adjudication and the issue raised by the petitioner will have to be considered by the Labour Court on merits, it would not be appropriate for this Court to advert to the issue at this stage.

5. Considering the nature of charges levelled against the petitioner and the facts of the case and as I do not find any patent illegality or perversity in the impugned orders. I am not inclined to interfere with the impugned orders.

The petition is dismissed. No costs.

JUDGE

adgokar