

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 6106/2016

(PRADEEP RAMDAS BHANDAKKAR VERSUS MAHARASHTRA EX-SERVICEMAN CORPORATION
LIMITED, PUNE)

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

Court's or Judge's orders

Dr.N.S. Agrawal, counsel for the petitioner.
Ms Neeraja G. Choube, counsel for the respondent.

CORAM : SMT. VASANTI A NAIK AND
MRS. SWAPNA JOSHI, JJ.

DATE : NOVEMBER 18, 2016.

By this writ petition, the petitioner seeks a direction against the respondent to pay compensation of Rupees Two Lakhs to the petitioner for not preparing the ESIC card of the petitioner. The petitioner has also sought his reinstatement in service with back wages with effect from 07.06.2016.

The petitioner claims to have been employed as a security guard by the respondent-Corporation on 01.03.2013. According to the petitioner, the women employees in the respondent-Corporation had wrongfully complained against the petitioner that the petitioner used to attend his services in the drunken state and abuse the women employees. It is stated that the services of the petitioner were terminated orally with effect from 07.06.2016. Also, according to the petitioner, the respondents had failed to prepare the ESIC card of the petitioner and, hence, the petitioner would be entitled to the compensation of Rupees Two lakhs.

Ms Choube, the learned counsel for the respondent, has disputed the facts stated by the petitioner in the instant petition. It is stated that complaints have been

received against the petitioner about attending the office in a drunken state and abusing the women employees. It is stated that the ESIC card of the petitioner was prepared and was supplied to him but, the petitioner did not avail the same for securing treatment. It is stated that the petitioner has abandoned the services on 07.06.2016 and the petitioner cannot seek his reinstatement in service.

We find that several disputed questions of facts arise for consideration in this writ petition. On one hand, it is the case of the petitioner that his ESIC card is not prepared and on the other, it is the case of the respondent that the ESIC card of the petitioner was prepared and handed over to him. According to the petitioner, his services are orally terminated whereas, according to the respondent, the petitioner has stopped attending the duties from 07.06.2016. Also, it is the case of the petitioner that false and frivolous complaints are lodged against the petitioner by the women employees whereas, it is the case of the respondent that the women employees of the corporation have serious complaints against the petitioner. It would not be proper to decide the questions of facts that are involved in this writ petition in exercise of the writ jurisdiction. The petitioner is free to avail the alternate remedy, if so advised.

In the circumstances of the case, the writ petition is disposed of with no order as to costs.

The points raised in the petition are kept open.

JUDGE

JUDGE