

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

**WRIT PETITION NO.6575/2014**

Pradeep S/o Harichand Mandale

..VS..

Manganese Ore (India) Limited, through its Chairman-cum-Managing Director and  
another

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

**CORAM : Z.A.HAQ, J.**

**DATED : 12.8.2016.**

Heard Shri Rahul Wasnik, Advocate h/f Shri P.S. Tembhare, Advocate for the petitioner - employee and Shri Masood Shareef, Advocate for the respondent Nos.1 and 2 - employer.

The employee has challenged the order passed by the Central Government Industrial Tribunal answering the reference against the employee on the ground that the dismissal order is unsigned, that the appointing authority of the employee is General Manager but the dismissal order is issued by the Mines Manager who is subordinate in rank to the General Manager, and as per the Certified Standing Orders, only the appointing authority can dismiss the employee. It is urged that looking to the charge, the punishment imposed on the employee is harsh and disproportionate. The learned Advocate for the petitioner has relied on the judgment given by the Division Bench of this Court in L.P.A. No.152/2013 on 18<sup>th</sup> July, 2013 to substantiate the contentions.

The case of the Management is that the employee was in habit of remaining absent and earlier on six occasions

he was punished by suspending him for remaining absent unauthorizedly.

The Tribunal has considered all the challenges raised by the employee and the reasons recorded in paragraph No.8, 9 and 10 of the order passed by the Tribunal are based on proper appreciation of facts and law. I do not see any perversity or illegality in the impugned order. The petition is **dismissed**. In the circumstances, the parties to bear their own costs.

JUDGE

*Tambaskar.*

CERTIFICATE

“ I certify that this Judgment/Order uploaded is a true and correct copy of original signed Judgment/Order”.

Uploaded By : N.V. Tambaskar.  
Personal Assistant.

Uploaded On : 18.8.2016.