

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.5491 OF 2016
(Shivlingappa Ramchandrappa Atnoor Vs.Mah.State Electricity
Distribution Company Limited and others)

Mr.P.V.Barde, Advocate for the petitioner.

(CORAM : RAVINDRA V. GHUGE, J.)
DATE : 27/01/2017

PER COURT :

1. The petitioner by this petition seeks to resile from the terms of the compromise signed on 13/12/2014 in Complaint (ULP) No.44/2009 by which the National Lok Adalat disposed of the complaint by an award dated 13/12/2014.

2. I have heard Mr.Barde, learned Advocate for the petitioner.

3. Certain dates and sequence of events are significant while deciding this petition and which are as under :-

[a] On 31/03/2009, the petitioner was suspended.

[b] On 03/07/2009, he was served with a charge sheet alleging misconducts.

[c] On 04/08/2009, he was served with a show cause notice as to why his services should not be dismissed by way of punishment after conducting a summary enquiry under Regulation 90 of the concerned regulations of the respondent.

[d] The petitioner challenged the proposed punishment on 11/08/2009 vide Complaint (ULP) No.44/2009.

[e] On 05/07/2013, while dealing with the first appeal of the petitioner, the respondent/department scaled down the punishment from dismissal from service to converting the suspension period into a punishment period.

[f] On 22/02/2014, the respondent/Management filed a *purshis* before the Labour Court stating that the charge sheet has been withdrawn.

[g] By order dated 03/03/2014 bearing No.203, the respondent imposed a lesser punishment on the petitioner by converting his suspension period into 'leave without wages'. This punishment is in the form of a further reduction from the earlier punishment of converting the suspension period into a form of punishment.

[h] On 13/12/2014, the petitioner tendered a compromise memo under Rule 52(1) of the Legal Services Authorities Act, 1987 and declared that he is accepting the last order of punishment dated 03/03/2014 and is withdrawing his challenge to the earlier punishment proposed.

[i] By the award dated 13/12/2014, the learned Judge, 2nd Labour Court, Ahmednagar passed his order and disposed of the complaint as having been settled in the National Lok Adalat.

4. The petitioner had then approached this Court in WP No.4805/2014 challenging the order dated 03/03/2014 bearing O/W No.203 passed by the respondent / Management. This Court had

disposed of the writ petition allowing the petitioner to avail of a remedy as regards the order of the Lok Adalat, if permissible in law. It is, in this backdrop, that this petition has been filed.

5. Section 21 of the Legal Services Authorities Act, 1987 reads as under :-

*“21. **Award of Lok Adalat :-** [(1) Every award of the Lok Adalat shall be deemed to be a decree of a Civil Court or, as the case may be, an order of any other Court and where a compromise or settlement has been arrived at, by a Lok Adalat in a case referred to it under sub-section (1) of section 20, the Court-fee paid in such case shall be refunded in the manner provided under the Court-Fees Act, 1870 (7 of 1870).]*

(2) Every award made by a Lok Adalat shall be final and binding on all the parties to the dispute, and no appeal shall lie to any Court against the award.”

6. Learned Advocate for the petitioner contends that if a fraud has been played by which the aggrieved person can be said to have been tricked or induced into settling a matter, this Court could exercise its jurisdiction under Article 226 of the Constitution.

7. I have considered the submissions of the petitioner even from this angle. It is evident that the respondent/Management proposed the punishment of dismissal from service. The first departmental

appeal of the petitioner, after he had approached the Labour Court, was considered and the punishment was scaled down by order dated 05/07/2013, by converting the suspension period into an order of punishment. Thereafter, the Management filed a *purshis* before the Labour Court on 22/02/2014 stating that the charge sheet is withdrawn. Though the word 'charge sheet' is used in the said *purshis*, it appears that in the backdrop of the reduced punishment dated 05/07/2013, the respondent probably desired to withdraw the second show cause notice by which the punishment of dismissal was proposed. Nevertheless, a further order was passed by the respondent on 03/03/2014 further reducing the punishment of the petitioner to treating the punishment period as being 'leave without wages'. This was in fact no punishment in the eyes of law. Thereafter, on 13/12/2014, the petitioner and his advocate signed on the compromise memo in the National Lok Adalat and withdrew the complaint.

8. Considering the above, I do not find that the respondents have induced the petitioner to sign the compromise memo or have played a fraud on the petitioner considering the fact that the petitioner and his advocate have withdrawn the complaint and the Lok Adalat has passed the order in the absence of the respondents and their

Advocates. None of them have signed on the compromise memo which indicates that they cannot be held responsible for exerting pressure on the petitioner.

9. As such, this petition, being devoid of merit, is therefore dismissed.

(RAVINDRA V. GHUGE, J.)