

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.13420 OF 2018

SUDHIR BHASKARRAO JAGADALE
VERSUS
M/S D B COR LTD DAINIK BHASKAR GROUP THORUGH ITS
MANAGING DIRECTOR AND ANOTHER

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Advocate for Petitioner : Mr. Jadhav Prashant B
Advocate for Respondent No.2 : Mr. Amit Waikar with Mr. Manoj Shinde

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CORAM : N. M. JAMDAR, J.
DATED : 4 DECEMBER 2018

PER COURT:-

1. By this petition, the petitioner has challenged the judgment and orders passed by the Labour Court and the Industrial Court, whereby the application of the petitioner for reinstatement at interim stage has been rejected. The petitioner, who was working as Deputy Editor in the news agency, has been dismissed from service by the respondent employer. The petitioner has filed a complaint (ULP) No. 52 of 2017 in the Labour Court, Aurangabad. The petitioner has sought reinstatement with full back wages. Both, the Labour Court as well as the Industrial Court, have held that the petitioner was dismissed pursuant to an enquiry and the contentions of the petitioner regarding validity of the enquiry will be considered at the time of deciding the main complaint and in any case no extraordinary circumstance exists to grant relief of reinstatement at

interim stage.

2. Learned counsel for the petitioner, relying on the decision of Division Bench of this Court, in the case of *Ghatge Patil Transport (Private) Ltd. vs. B.K. Etale and others, (writ petition No. 2250 of 1979, decided on 29 March 1984)* sought to assail the enquiry. According to the learned counsel, since the petitioner was seeking revision in wages, he was dismissed without conducting proper enquiry. Whether the enquiry was proper or not, is something that will be decided in the pending complaint. Grant of reinstatement at interim stage cannot be routine exercise. The petitioner was the Deputy News Editor and it is the post of responsibility and trust.

3. Considering the aforesaid position, both the courts have refused to exercise its discretion granting reinstatement at interim stage. It cannot be said that this exercise of discretion is perverse. In the circumstance, there is no warrant to interfere with the impugned orders. Writ petition is accordingly disposed of.

(N. M. JAMDAR, J.)

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