

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

935 WRIT PETITION NO. 287 OF 2019

**DHANSING PADAMSING GURKHA
VERSUS
THE SANGAMNER MERCHANTS CO OPERATIVE BANK LTD
THROUGH CHIEF EXECUTIVE OFFICER AHMEDNAGAR**

**WITH
WRIT PETITION NO. 288 OF 2019**

**WAGHOBA S/O KACHARU SHELAR
VERSUS
THE SANGAMNER MERCHANTS CO OPERATIVE BANK LTD
THROUGH CHIEF EXECUTIVE OFFICER AHMEDNAGAR**

**WITH
WRIT PETITION NO. 289 OF 2019**

**KAILAS S/O VASANTLAL BHUTADA
VERSUS
THE SANGAMNER MERCHANTS CO OPERATIVE BANK LTD
THROUGH CHIEF EXECUTIVE OFFICER AHMEDNAGAR**

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Advocate for the Petitioner : Shri S. N. Natu
Advocate for Respondent – sole : Shri Ashok V. Patil

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CORAM : RAVINDRA V. GHUGE, J.

DATED : 27th SEPTEMBER, 2019.

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PER COURT :

1. These matters were heard for some time on 18/09/2019, 23/09/2019 and then posted today for further hearing.

2. The learned Advocate for the petitioners submits on instructions that though these petitioners were not the persons behind getting an adverse news published in two newspapers on 26/04/2018, they are willing to enter an apology in the same newspapers stating that they have not published the said news and yet they are tendering an apology if the Management feels hurt. Pursuant thereto, they would also appear before the enquiry officer and place a copy of such newspapers in the enquiry and the enquiry can be closed.

3. The learned Advocate for the Management sought a pass over in the first Session and submits on instructions in the post lunch Session that the apology to be published in the two newspapers would be an unconditional apology. Thereafter, the said two newspapers can be placed before the enquiry officer and the enquiry officer would close the proceedings and submit a report indicating that the charges are not investigated as these petitioners have apologized. Based on the same, the Management would issue a simple warning letter to each of these petitioners and close the issue.

4. In the light of the consensus between the parties and after recording their submissions, these three petitions are disposed off with the following directions :-

(a) These petitioners would publish an unconditional apology with reference to the news items dated 26/04/2018 that had appeared in the newspapers.

(b) Such apology would be published in the same two newspapers in which the earlier news was published.

(c) These petitioners would tender copies of such newspapers before the enquiry officer and though they claim that they were not the persons behind the publication of such news, in order to have a golden hand shake, the enquiry officer would then close the enquiry and submit his nominal report to the Management.

(d) After the compliance of the above directions, the Management would issue a simple warning letter to these three petitioners.

(e) Needless to state, the petitioners would thereafter submit their purshis before the Industrial Court for the disposal of the ULP Complaints as being not pressed.

(RAVINDRA V. GHUGE, J.)

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