

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.3527 OF 2019

The Chief Post Master General & Ors.

... Petitioners

Versus

Anusaya R. Dalvi

... Respondent

.....

Mr. A. D. Shetty i/b. Ms. Anamika Malhotra for the petitioner.

Mr. P.M. Patel for the respondent.

.....

CORAM : M. S. KARNIK, J.

DATE : 11th APRIL, 2019.

P. C.:

1. Rule. Rule is made returnable forthwith and heard finally by consent of the parties.

2. Learned counsel for the petitioners challenge an order dated 17.08.2018 passed by the Presiding Officer, Labour Court, Pune in this petition filed under Articles 226 and 227 of the Constitution of India. The Labour Court by the impugned order declared that the enquiry conducted against second party-employee is not legal, fair and proper and not in accordance with the principles of natural justice and the findings are perverse.

3. The learned counsel for the petitioners would submit that there are no reasons given by the Labour Court while arriving at

the conclusion that the enquiry is conducted in breach of principles of natural justice and the findings of the Enquiry Officer are perverse.

4. Shri Patel appearing on behalf of the respondent invited my attention to the decision of the Hon'ble Supreme Court in the case of **Karnataka State Road Transport Corporation Vs. Lakshmiddevamma (Smt.) & Anr. Reported in 2001 II CLR 640.**

5. In view of what has been held by Their Lordships, the order dated 17.8.2018 can be agitated even after the final award. This petition can be disposed of by keeping all the contentions on merits open including the challenge to the order impugned in this petition.

6. I had requested Mr. Patel to appear on behalf of respondent as she is not in a position to engage a lawyer. I appreciate the assistance rendered by Shri Patel.

7. Keeping all contentions open, the Writ Petition is dismissed. Rule is discharged.

(M. S. KARNIK, J.)