

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

WRIT PETITION NO.6702 OF 2017

Avinash Ramesh Kothawade

.. Petitioner.

Vs.

Saksham Pradhikaran Tatha Vibhagiya

Vahatuk Adhikshak (PAMAAD)

.. Respondent.

Ms.Bhavna Mhatre i/b L.C. Kranti for the Petitioner.

Mr.Y.P. Deshmukh for the Respondent No.1.

CORAM : A.K. MENON, J.

DATED : 24TH JANUARY, 2019

P.C. :

1. The challenge in this petition is to the order dated 15th June, 2016 passed in Complaint (ULP) No.70 of 2016 and the order dated 7th June, 2017 passed in Revision Application (ULP) No.61 of 2016. The Industrial Court has found that punishment proposed to be awarded to the petitioner was not disproportionate, considering the allegations of serious misconduct.

2. After this matter was heard for sometime, it was noticed that the petitioner has not replied either to the show cause or final show cause notice. In this view of the matter learned counsel for the petitioner submits that he be permitted to file replies before a decision is taken by the respondent corporation. In view of above without prejudice to the rights and contentions

of the parties I find it appropriate that the petitioner shall file comprehensive reply to the show cause notice within a period of two weeks from today. In the circumstances, the petition can be disposed by keeping open all the rights and contentions of the parties. Hence, I pass the following order :

- (i) The petitioner shall file his reply to show cause notice within a period of two weeks from today. If such reply is filed the matter will be heard and decided after granting the petitioner an opportunity of personal hearing within a period of four weeks thereafter.
- (ii) It is made clear that this Court has not examined the merits of contentions of the parties and that the show cause notice be disposed without being influenced by the disposal of this petition.
- (iii) In the meantime for a period of eight weeks from today, the services of the petitioner shall not be disturbed.
- (iv) Petition is disposed in above terms.

(A.K. MENON,J.)