

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

WRIT PETITION NO.14340 OF 2018

Shekhar Uddhavrao Vambure .. Petitioner.
Vs.
Pune Municipal Corporation Servants
Cooperative Urban Bank Ltd. .. Respondent.

Mr.A.S.Rao i/b Mr.Prashant C. Kamble for the Petitioner.
Mr.K.S.Bapat i/b Ms.Desai & Desai Associates for the Respondent.

**CORAM : A.K. MENON, J.
DATED : 27TH FEBRUARY, 2019**

P.C. ,

1. The challenge in this writ petition is to the order dated 20th January, 2017 passed by the First Labour Court, Pune rejecting B.I.R. Application No.2 of 2007 and the order dated 16th August, 2018 passed by the Industrial Court in Appeal (MIR) No.1 of 2017.
2. Firstly, the grievance of the petitioner is that the services were terminated by the Chairman without any authority of the Board and secondly, that the model standing order under clauses 21(o) and 21(p) could not have been invoked against him. It is case of the respondent-bank that the petitioner was granted full opportunity of defending himself against allegations in the charge sheet and that removal of the petitioner was fully authorised.
3. The Labour Court framed three issues which are as follows :
 - (i) Whether the charges of the misconduct levelled against the applicant are

proved to the satisfaction of the Tribunal by acceptable evidence ?

(ii) Whether the applicant proved that the termination of his service is illegal ?

(iii) Whether the applicant is entitled to reliefs claimed ?

4. All issues have been answered in the negative. The impugned order records a finding that the enquiry conducted was legal and proper and the Industrial Court has not found it necessary to interfere with the order since it was found that the enquiry was conducted in a fair and proper manner. The evidence of the Manager of the Bank Mr. Shantaram D. Vaidya was recorded but the petitioner absented himself. He did not attend the enquiry proceedings. He did not cross examine the said Manager although sufficient opportunity was granted to him. The Industrial Court has found that the Labour Court has come to its conclusion on the basis of the enquiry. The petitioner has also failed to adduce oral or documentary evidence in support of his defence. In the circumstances, in view of this finding nothing has been shown as perverse or illegal in respect of these two orders. The challenge, therefore, must fail, hence I pass the following order :

(i) Writ Petition is dismissed.

(ii) No order as to costs.

(A.K. MENON,J.)