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

WRIT PETITION NO.568 OF 2019

Mohan Shamrao Mane

.. Petitioner

Vs.

Kolhapur District Central

Co-operative Bank

.. Respondent

Mr. Amit Singh a/w Santosh Sawant I/b. Abhay Nevagi & Associates for the petitioner.

Mr. Tejpal S. Ingale for the respondent no.1.

CORAM : A.K. MENON, J.

DATED : 11TH FEBRUARY, 2019.

P.C. :

1. This petition challenges an order dated 14th August, 2018 passed by the Industrial Court, Kolhapur. It dismisses a complaint (ULP)no.201 of 2012 filed by the petitioner alleging unfair labour practices under item 9 and 10 of Schedule IV of the MRTU & PULP Act. The respondent is a bank and the petitioner was working as peon with effect from 17th September, 1987. His services were said to be terminated with effect from 14th December, 1995. Thereafter a complaint came to be filed in 1996. He was directed to be reinstated in 2010 with continuity of service on the same post but instead of back wages lump sum compensation was awarded.

2. The bank filed a revision in which the order of reinstatement with continuity of service was confirmed, compensation however, was declined. Being aggrieved it is his case that the order of the Industrial Court in revision has not been complied with. He is therefore aggrieved. The impugned order has framed three substantial issues viz. whether the complaint was within time; whether the petitioner-complainant proved that the respondent bank engaged in unfair labour practices and whether the pay scale has been fixed in violation of the order passed in complaint (ULP)no.213 of 1996. All issues have been held against the petitioner.
3. The impugned order sets out various reasons why the petitioner's case cannot be accepted. In particular reference was made to a letter dated 7th September, 2011 which was issued after the petitioner succeeded in revision application (ULP)no.32 of 2010 on 5th August, 2011. The copy of the letter which is at Exhibit H to this petition records that the petitioner had sought his appointment as a probationer and that he had given up his claim for financial benefits for the period from 2nd March, 2010 to 30th September, 2011.
4. It is pointed out on behalf of the respondent that the order of the Industrial Court has been duly complied and given effect to. Mr. Ingale

on behalf of the respondent invited my attention to the communications dated 27th September, 2011 at Exhibit F and 29th March, 2012 at Exhibit G. By the first of these two letters, the bank resolved to absorb the petitioner with continuity of service pursuant to the order passed in complaint (ULP) no.32 of 2010 with effect from 15th December, 1995. This was also duly complied with appropriate pay scale being granted with effect from 29th March, 2012.

5. The learned counsel for the petitioner fairly admits that after receipt of these two letters the petitioner raised no grievance whatsoever. However, in the complaint a grievance was made that the letter dated 7th September, 2011 was got executed by force. This contention has been repeated in paragraph 6(j) of the petition. The averment was to the effect that it was executed by use of force. No particulars whatsoever have been given. It is just a bald statement and in my view it is on no avail in the absence of contemporaneous evidence. No protest was registered after the letter dated 7th September, 2011 was admittedly written by the petitioner in his own handwriting. Furthermore, letter is seen to be delivered and delivery was recorded in the inward register on 7th September, 2011 itself as inward letter no.234. The petitioner's contention is farfetched and lacks merit. In the circumstances, there is nothing perverse in the impugned order

I find no reason to interfere therewith. In the result, I pass the following order;

- (i) Petition is dismissed.
- (ii) No orders as to costs.

(A.K.MENON,J.)

wadhwa