

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.2521 OF 2016

The Secretary, Akola Zilla Parishad Nagri Sahakari Pat Sanstha Mydt. Akola

-vs-

The Member, Industrial Court, Akola and anr.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri S. S. Katkar, Advocate for petitioner.
Shri S. Bissa, Assistant Government Pleader for
respondent No.1.
Shri A. R. Deshpande, Advocate for respondent No.2.

CORAM : A.S.CHANDURKAR, J.

DATE : June 19, 2019

The petitioner is aggrieved by the adjudication by the Labour Court of the preliminary issue as regards fairness of the departmental enquiry. The order passed by the Labour Court holding such enquiry not to be fair and proper has been affirmed by the Industrial Court.

Heard the learned counsel for the parties and perused the documents placed on record. The Labour Court while considering the said preliminary issue has found that the employer had appointed the Enquiry Officer even before service of the charge-sheet which was found to be unfair. Similarly, without giving any show cause notice in respect of two charges, the same came to be added subsequently in the charge-sheet.

On these two counts the Labour Court recorded a finding that the enquiry held against the respondent No.2 was not fair and proper.

It is seen that the Industrial Court has reconsidered the matter and after perusing the record it has maintained that order. Though the learned counsel for the petitioner sought to rely upon the cross-examination of the delinquent employee, it is found that the aforesaid two aspects have material bearing on the aspect of fairness of enquiry. In absence of any justification on these two aspects, there is no reason to interfere with the impugned order. There is no jurisdictional error pointed out to interfere in writ jurisdiction. Writ Petition is therefore dismissed. No costs.

JUDGE