

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 1089 OF 2018

Sanjay Inderchand Jain

..PETITIONER

VERSUS

The Malkapur Urban Cooperative Bank Ltd.,
Through its Chief Executive Officer
and Another

..RESPONDENTS

....
Mr. S.S. Bora, Advocate for petitioner
Mr. Y.I. Thole, Advocate for respondents
....

**CORAM : R.G. AVACHAT, J.
DATED : 09th FEBRUARY, 2021**

PER COURT :

1. Heard. The challenge in this writ petition is to order dated 09th March, 2017 passed by the Labour Court, Aurangabad below Exhibit U-2 in Complaint ULP No. 6 of 2017 and order dated 11th January, 2018 passed by the Industrial Court, Aurangabad in Revision ULP No. 18 of 2017 confirming the order of Labour Court dated 09th March, 2017.

2. The petitioner is an employee – clerk of the respondent – Malkapur Urban Cooperative Bank Ltd. (“respondent bank”). The complaints regarding misbehavior of the petitioner were received by the respondent bank. He has, therefore, been placed under suspension with effect from 22nd September, 2015 with initiation of departmental/domestic enquiry against

him. The enquiry has been concluded. Many of the charges framed against the petitioner are said to have been proved. The petitioner filed Complaint ULP No. 6 of 2017 before the Labour Court, Aurangabad for declaration of unfair labour practice. He has also prayed for declaration that enquiry report dated 28th October, 2016 is not fair and therefore, no adverse action be taken against him. The Labour Court initially granted him interim relief. It, however, later on vacated the same. The petitioner preferred revision against the Labour Court's order vacating the ad-interim relief. The Industrial Court, Aurangabad too granted him interim relief, but later on vacated the same. The petitioner, therefore, approached this Court in this writ petition.

3. Mr. Bora, learned counsel for the petitioner would submit that the petitioner has been protected for about four years. Continuing the said protection, Labour Court may be directed to decide the said complaint within time frame of six months. Learned counsel took me through some of the allegations/charges leveled against the petitioner. He also took me through the evidence of some of the witnesses recorded during the enquiry. According to him, the respondent bank has taken a vindictive approach against the petitioner. In spite of there being no allegation of misappropriation of amount, theft, etc., the charges in that regard have been framed. He would further submit that at no point of time the petitioner was late by more than ten minutes to report on duty. The petitioner would

shuttle between his home town Sillod and the workplace at Aurangabad. According to him, the witnesses have given evidence to have nothing due from the petitioner, which were personal loan transactions, etc.

4. Mr. Thole, learned counsel for the respondent bank would, on the other hand, submit that the enquiry report is against the petitioner. The bank proposes to impose major penalty. The petitioner would have every opportunity to challenge the same.

5. Perused the charges framed against the petitioner. Gone through some of the evidence recorded by the enquiry officer. Also perused the enquiry report and final show cause notice issued by the respondent bank to the petitioner. It would not be desirable to make any observations as regards evidence recorded during departmental/domestic enquiry, findings recorded by the enquiry officer and ultimate show cause notice. Suffice it to say that it is not a fit case to grant the petitioner relief in the nature of interim protection. Both the Courts below have concurrently held the petitioner to have not been entitled to interim relief as has been prayed for. No interference is warranted with the impugned orders. Writ petition fails. Same is, therefore, dismissed.

(R.G. AVACHAT, J.)