

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.5367 OF 2019

CONCENTRIX SERVICES INDIA PRIVATE LIMITED THROUGH IT'S
AUTHORISED SIGNATORY

VERSUS

ANITA SURYABHAN TANDALE

Mr.S.V.Dankh, Advocate for the petitioner.

(CORAM : RAVINDRA V. GHUGE, J.)

DATE : FEBRUARY 23, 2021

PER COURT :

1. By this petition, the petitioner has challenged an interlocutory order dated 26/04/2017 passed by the Industrial Court, Aurangabad below Application Exh.U-2 in Complaint (ULP) No.118/2017 vide which, the domestic enquiry initiated by the petitioner has been stayed till the decision on the preliminary issues framed in the complaint.

2. The learned Advocate for the petitioner submits that the petitioner/ Management is a Call Center and has closed down its' Aurangabad operations since October 2017. As the original complainant was not a workman u/s 2(s) of the I.D.Act, the petitioner had raised a jurisdiction

issue before the Industrial Court. By an order dated 26/04/2017, below Exh.C-3, the Industrial Court had framed the issue as to whether the complainant is a workman and whether the complaint was tenable.

3. It is well settled that a domestic or departmental enquiry initiated in accordance with the rules/standing orders applicable, cannot be stayed, save and except in exceptional/rare/glaring case of violation of the rules. By the impugned order, it appears that the Industrial Court has stayed the D.E. only because a preliminary issue, whether the complainant is a workman or not, has been framed. To say the least, this was impermissible.

4. Notwithstanding the above, the learned Advocate for the petitioner submits on instructions that the respondent was offered alternate work at Pune, at par with other similarly situated employees or compensation. The respondent has refused to take up the assignment and presently the petitioner does not have any operational activity at Aurangabad.

5. In view of the above, I find it advantageous to direct the Industrial Court to decide the preliminary issue within a particular time-frame as the said issue is pending adjudication since April 2017 and it is unconscionable that a preliminary issue should be pending adjudication for 4 years.

6. As such, this petition is disposed off with a direction to the Industrial Court that is available at Aurangabad to decide the preliminary issue as expeditiously as possible, and preferably on or before 30/06/2021.

(RAVINDRA V. GHUGE, J.)