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

936 WRIT PETITION NO.1464 OF 2018

GOVIND SAHDEV BHOSALE
VERSUS
THE EXECUTIVE DIRECTOR, LATUR DISTRICT CENTRAL
CO OPERATIVE BANK LTD., LATUR AND ANOTHER

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Mr R. D. Biradar, Advocate for petitioner;
Mr V. B. Jadhav, Advocate h/f Mr A. V. Hon, Advocate for
respondents

**CORAM : RAVINDRA V. GHUGE
AND
S. G. MEHARE, JJ.**

DATE : 6th October, 2021

PER COURT:

1. The petitioner was a Cashier with the Co-operative Bank. After conducting a full fledged enquiry, he has been dismissed from service vide the order of punishment dated 01/11/2017. Issues of whether the enquiry officer's report is perverse and the fairness of the departmental enquiry, have been raised. Naturally, the issue of conducting a de-novo enquiry if the enquiry conducted by the employer is held to be unfair and vitiated, would arise. Since the petitioner is a worker as defined under Section 2 (s) of the Industrial Dispute Act, 1947 (for short "the said Act") and as the respondent – Bank is an industry under Section 2(j) of

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the said Act, the petitioner has an efficacious statutory remedy. Considering the passage of time, he can raise an industrial dispute under Section 2A of the said Act, which considers such cause of action to be a deemed industrial dispute.

2. In view of the above, this petition is disposed off. The petitioner is at liberty to raise an industrial dispute under Section 2A of the I.D. Act.

(S. G. MEHARE, J.)

(RAVINDRA V. GHUGE, J.)

sjk