

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

WRIT PETITION NO. 660/2021.

Smt. Bindu Ratnadip Bansod. ... Petitioner.

-VERSUS-

1.The Zilla Parishad, Bhandara
and another. ... Respondents.

.....
Shri V.B. Gawali, Advocate for the Petitioner.

.....

**CORAM : NITIN JAMDAR AND
ANIL S. KILOR, JJ.**

DATE : 3 FEBRUARY 2021.

P.C.

Heard learned Counsel for the Petitioner.

2. The petitioner was appointed as a daily wage worker under the Employment Guarantee Scheme in the year 2007. In the year 2015, the Sub Divisional Officer issued a notice to the Petitioner for the purpose of enquiry due to alleged misappropriation. An enquiry was conducted, and on 18 July

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2016, the Chief Executive Officer, Zilla Parishad, Bhandara after observing that the Petitioner has misappropriated the amount, directed that the Petitioner is liable to pay the amount of Rs.18,078/-. The Petitioner was also terminated from service.

3. The Petitioner filed Writ Petition No.4473/2016, which was disposed of on 3 July 2018 referring the dispute regarding Petitioner's termination to the Labour Court, Bhandara. The Labour Court by its judgment and order dated 20 May 2019 has set aside the order of termination and directed that the Petitioner be reinstated. The Labour Court also referred to the report of the enquiry officer whereby the enquiry officer had held that the Petitioner was not guilty of misappropriation. As regards the order dated 18 July 2016, the Labour Court observed that it had no jurisdiction. The impugned order is passed by the Respondent no.2 observing that the order dated 18 July 2016 is not set aside, therefore, recovery is to be effected.

4. Once the Labour Court had looked into the entire dispute regarding the termination of the Petitioner and the charges against the Petitioner regarding misappropriation and recorded a finding, it was obligatory on the part of the Respondent No.2 to examine the decision and thereafter take a decision. No such attempt is made by the Respondent No.2. Therefore we are of the opinion that the Petitioner should place

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copy of the orders passed by the Labour Court highlighting the portions which are in her favour, so that the Respondent No.2 has an opportunity to examine the judgment of the Labour Court and then decide whether a stand can be taken that the recovery is still permissible.

6. We dispose of this Writ Petition permitting the Petitioner to file such a representation within a period of four weeks. Thereafter, the Respondent No.2 will consider the same and pass appropriate orders as per law. However, till such decision is taken, provided the Petitioner files a representation within four weeks, recovery will not be effected.

(ANIL S. KILOR, J)

(NITIN JAMDAR, J)

Rgd

**Rakesh
Dhuriya**

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by Rakesh
Dhuriya
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