

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

925 WRIT PETITION NO.10711 OF 2022

**RAYMOND LIMITED JALGAON
THROUGH ITS GENERAL MANAGER
VERSUS
SUKLAL RAMDAS BHOJANE**

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Advocate for Petitioner : Mr. Sandesh R. Patil

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CORAM : SANDEEP V. MARNE, J.

DATE : 14-10-2022

PER COURT :

. By the present petition, the petitioner has challenged the judgment and order dated 05.07.2022 passed by the Industrial Court, Jalgaon in Revision Application (ULP) No.15 of 2020 as well as judgment and order dated 05.03.2020 passed by the Labour Court, Jalgaon in Complaint (ULP) No.45 of 2012.

2. Disciplinary proceedings have been conducted against the respondent which has led to his dismissal from service by order dated 16.07.2012. The respondent has challenged the order of dismissal before the Labour Court, which proceeded to frame issues on 05.10.2013. The Labour Court has thereafter proceeded to hear only two preliminary issues about legality of the enquiry and

perversity of the findings of the Enquiry Officer. By the judgment and order dated 05.03.2020, the Labour Court has answered preliminary issues holding that the enquiry has not been properly conducted by the petitioner - Company. Aggrieved by the decision of the Labour Court, the petitioner filed Revision Application (ULP) No.15 of 2020 before the Industrial Court and by judgment and order dated 05.07.2022, the revision of the petitioner has been turned down.

3. I have gone through the orders passed by the Labour Court and the Industrial Court. It appears that the respondent was placed under suspension with effect from 04.04.2011. After a period of 10 months from the date of suspension, a charge-sheet was issued to him on 16.02.2012. The date of enquiry was decided in the charge sheet itself, which was scheduled to be held on 23.02.2012. It is a common ground that the respondent did not receive the charge sheet before the scheduled date of enquiry and received the same only on 29.02.2012. The next date of enquiry was to be held on 12.03.2012 when the respondent sought permission to engage advocate to defend himself. That application was not decided. It appears that the respondent was not present for enquiry on 12.03.2012. The petitioner proceeded to conduct and conclude the enquiry within one day on 12.03.2012.

4. In the circumstances of the case, both the Labour Court and Industrial Court have arrived at a finding that the petitioner ought to have given one more opportunity to the respondent to defend himself of the charges levelled against him. Therefore, the finding recorded by the Labour Court on the preliminary issue about the sustainability of the enquiry proceeding, does not suffer from any error. Industrial Court has rightly rejected the revision filed by the petitioner.

5. The Writ Petition being devoid of any merits deserves to be dismissed and is accordingly dismissed without any orders as to costs.

(SANDEEP V. MARNE, J.)

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