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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 6211 OF 2022**

Krishna Hanumant More

.... Petitioner.

V/s

The Chief Executive Officer,
Satara Zilla Parishad, Satara
and Others

..... Respondents.

Mr. Vinay V. Nair i/b Janki R. Krishnan for the Petitioner.

CORAM: NITIN W. SAMBRE, J.

DATE: JUNE 07, 2022

P.C.:-

- 1] Heard Mr. Nair, learned Counsel for the Petitioner.
- 2] Challenge in the Petition is to the order dated 21/2/2022 passed below Exhibit-U-2 by the Labour Court in Complaint (U.L.P) No.2 of 2021 which is confirmed by the Industrial Court in revisional jurisdiction vide impugned order dated 26/4/2022.
- 3] Facts necessary for deciding present Petition are as under:-

4] Petitioner, a Village Development Officer, was served with charge-sheet and after inquiry, a finding is recorded by the Inquiry Officer holding him guilty of all nine charges.

5] Petitioner, feeling aggrieved, preferred aforesaid U.L.P Complaint before the Labour Court, Satara in which proceedings are taken out under sub-section (2) of Section 30 of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971 (hereinafter referred to as “the said Act”) seeking interim relief wherein he has sought stay/keeping in abeyance of final show cause notice dated 10/02/2021. The Labour Court vide its detailed reasoned order recorded finding that the Petitioner has failed to demonstrate prima facie case, so also there is no balance of convenience in his favour and thus proceeded to reject the prayer for grant of interim relief. In revisional jurisdiction, Industrial Court, while exercising powers under Section 44 of the said Act noticed that the order of rejection of interim relief passed by the Labour Court is quite justified in the facts and circumstances of the case. As such, this Petition.

6] Amongst other grounds which are raised in the Petition while questioning both these orders are, Petitioner was suspended from employment on 14/8/2017, whereas he was served with charge-sheet on 7/12/2017. According to Counsel for the Petitioner, apart from delay in serving charge-sheet, equally there is delay in concluding inquiry proceedings, as same took considerable time of 12 months. As such, he would urge that such an act on the part of the Respondents amounts to violation of Article 14, as it amounts to denial of opportunity. His further contentions are, Respondents have committed an illegality in following due procedure in the matter of conducting inquiry as, according to him, neither documents which are relied on for forming basis against the Petitioner were supplied though demanded nor appropriate opportunity of hearing was offered to him. In addition, his contentions are, Petitioner is a whistle blower as such made a scapegoat as fellow employees hatched conspiracy with Inquiry Officer, thereby implicating the Petitioner in the matter in question. He would urge that even if the Petitioner is facing criminal prosecution for the offence punishable under Sections 406, 409, 420

of the IPC, allegation of theft of documents from the office of Grampanchayat are insignificant, as there is no basis for the same. He would try to substantiate the said claim by urging that the documents were very much traced from very office of the Grampanchayat. He would urge that real culprits are shielded by the Respondent-authorities in spite of the fact that not only Village Panchayat Members but also villagers have supported the case of the Petitioner.

7] In the aforesaid backdrop, he would urge that orders impugned are liable to be set aside and this Court should grant interim relief in favour of the Petitioner, thereby restraining Respondents from giving effect to the final show cause notice.

8] I have appreciated the said submissions.

9] Labour Court rejected prayer of the Petitioner moved under subsection (2) of Section 30 of the said Act wherein he has sought relief of not to compulsorily retire the petitioner or terminate/dismiss the Petitioner from service.

10] Labour Court while rejecting the said prayer has noticed that oral evidence which is brought on record during the course of domestic inquiry prima facie demonstrates that Petitioner/Complainant was having knowledge about lacunae and discrepancies noted in the audit and as such intentionally removed record of Grampanchayat from its lawful custody by unauthorized means. Apart from above, claim put-forth by the Petitioner that there was delay in completion of inquiry will be hardly of any consequence. So far as claim of the Petitioner that he was implicated by levelling false charges by hatching conspiracy by his opponent is concerned, Labour Court, so also Industrial Court are justified in recording finding that it is always open for the Petitioner to establish such case of conspiracy or his implication during trial of the complaint. However, Labour Court, so also Industrial Court while recording concurrent findings against the Petitioner have noted that, on facts, Petitioner has attended office of Grampanchayat on non-working day and removed record as reflected in CCTV Footage. There is misappropriation alleged against the Petitioner of the amount to the tune of Rs 20 lakhs. Apart from above, Petitioner though was given

sufficient opportunity to participate in inquiry for proving his innocence, Petitioner has not cooperated in the said proceedings which has rightly led both the courts below to record concurrent findings against the Petitioner.

11] No illegality could be noticed in the orders impugned. As such, Petition fails and same stands dismissed.

(NITIN W. SAMBRE, J.)