

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.8861 of 2021

MIT Academy of Engineering thru
its Director .. Petitioner
Versus
Vitthal Dadabhau Manjare .. Respondent

...

Mr. Tejesh Dande with Bharat Gadhavi with Chinmay
Deshpande i/b Tejesh Dande & Associates for the petitioner.

CORAM: RAVINDRA V. GHUGE, J.
DATED : 3rd FEBRUARY, 2022

P.C:-

1 This matter was heard extensively on 2/2/2022.
After I expressed my disinclination, the learned Advocate for the
petitioner sought an overnight pass over so as to take instructions.

2 Today, the learned Advocate for the petitioner
submits, on instructions, that the petitioner desires to withdraw
this Petition. However, the petitioner is apprehensive as to
whether there would be any embargo created upon the right of
the petitioner as an employer to conduct a disciplinary
proceeding against the complainant employee.

3 It is well settled that when the Management alleges misdeeds on the part of an employee, it is obliged to conduct disciplinary proceedings, as are permissible in law and only after the charges are proved that the employer can proceed to initiate action.

4 In a case like the one in hands, the employee alleges that he was disallowed from reporting for duties. The employer alleges that he was voluntarily not reporting for duties. In this situation, the employer contemplates initiation of disciplinary proceeding against the complainant in the light of direction no. (ii), issued by the Industrial Court permitting the petitioner to terminate the services of the complainant only by following the due procedure of law.

5 In view of the above, this Petition stands disposed off as withdrawn. It is needless to state, that the petitioner is at liberty to initiate such steps, as are permissible in law, in the light of clause (2) of the operative part of the impugned order of the Industrial Court.

RAVINDRA V. GHUGE, J