

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

WRIT PETITION NO.1886 OF 2022

(Arun Kisan Pardhi Vs. Yavatmal District Central Co-operative Bank Ltd., thr. its CEO,
Yavatmal)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Mr. A. C. Dharmadhikari, Advocate for Petitioner.

CORAM: ROHIT B. DEO, J.

DATE: 6th APRIL, 2022.

The petitioner was dismissed from service pursuant to a departmental inquiry in which according to the employer the misconduct should proved.

2. According to the employer, the misconduct was of misappropriation and that the employee had admitted that while he was on duty amount of Rs.96,910/- (Rupees Ninety Six Thousand Nine Hundred Ten) was found short. The employer further contends that another admission was given of the misconduct in which an undertaking to deposit certain amount was given. It is further the case of the employer that the employee apologized for the mistake.

3. The employer claims to have conducted a departmental inquiry and to have terminated the employee since the misconduct of misappropriation of amount stood proved. The employee preferred Complaint ULP 45/2020

before the Labour Court, Yavatmal and sought interim relief, which was also rejected. Undeterred, the employee preferred Revision 7/2021 in which the employee again sought interim relief in the nature of stay to the punitive order of termination, which the Industrial Court rejected. Aggrieved, the employee is invoking writ and supervisory jurisdiction.

4. Considering the fact that the termination is, according to the employer, on the charge of grave misconduct, there is no propriety in granting stay to the order of termination. Both the Courts have considered the application seeking interim relief in the proper perspective and on the touchstone of the settled position of law.

5. I do not see any reason to interfere in writ jurisdiction.

6. The petition is dismissed.

JUDGE

NSN