

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

WRIT PETITION NO. 1059 OF 2022

(Aniket Amar Mishra ..vs.. Municipal Commissioner, Amravati Municipal Corporation, Amravati and
others)

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

Court's or Judge's orders

Mr. N.R. Saboo, Counsel for the petitioner.

CORAM : ROHIT B. DEO, J.

DATED : 25-02-2022

The petitioner, who is the complainant in Revision (ULP) 7/2021, which the petitioner instituted questioning the refusal of the Labour Court to restrain the employer from acting on the show cause notice dated 06-12-2017, is assailing the order dated 15-2-2022 rendered by the Industrial Court, Amravati whereby the revision is dismissed.

2. The petitioner approached the Labour Court since the show cause notice recites that if the petitioner does not deposit amount of Rs.5,51,960/- (Rupees Five Lac Fifty One Thousand Nine Hundred Sixty) which according to the employer-Amravati Municipal Corporation, is the loss suffered due to the alleged misconduct, the petitioner-employee may be dismissed. The show cause notice refers to the punishment of dismissal as proposed punishment and an opportunity is given to the petitioner to show cause.

3. The learned Counsel for the employee Mr. N.R. Saboo would submit that the show cause notice is illegal and that on facts, an attempt is made by the Corporation to unjustly enrich its coffers by pressuring the employee and threatening dismissal.

4. Considering that the communication which is impugned before the Labour Court, is a show cause notice, and at least theoretically, the employee has the opportunity and chance to persuade the authority to appreciate his perspective, I am not inclined to interfere in writ jurisdiction.

5. However, considering that there was interim protection operating, which the Industrial Court has extended by two weeks, the following order is passed.

- (i) The petitioner shall file reply to the show cause notice within two weeks.
- (ii) If the decision which is taken by the authority, is adverse to the petitioner, the same shall not be given effect to for a further period of two weeks from the communication of the decision.
- (iii) Needless to say, that if the petitioner is required to challenge the ultimate order, the observations made by the Courts in proceedings instituted against the show cause notice, shall not come in the way of the petitioner-employee.

6. The petition is dismissed.

JUDGE

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