

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

WRIT PETITION NO.212 OF 2022

(Nagpur Municipal Corporation thr. its Municipal Commissioner, Nagpur Vs. Deepak
s/o Nathuji Nagre and another)

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

Court's or Judge's orders.

Mr. Rohan Chhabra, Advocate for Petitioner.
Mr. K. L. Dharmadhikari, AGP for Respondent 1/State.

CORAM: ROHIT B. DEO, J.

DATE: 13th JANUARY, 2022.

The petitioner – Nagpur Municipal Corporation is aggrieved by the order dated 25.08.2021 rendered by the Industrial Court, Nagpur in Complaint (ULP) 157/2019 whereby the petitioner (NMC) is directed to temporarily implement the order of the standing committee subject to the decision of the State Government.

2. I do not see any error in the order impugned.

3. The employee is a 'Mazdoor' who is dismissed on the premise that he remained unauthorizedly absent.

4. The employee preferred appeal, which the standing committee is empowered to entertain in view of the provisions of Section 56 (4) of the Maharashtra Municipal Corporation Act, 1949 (Act).

5. The standing committee allowed the appeal and directed the Commissioner of NMC to reinstate the employee by reducing the punishment to stoppage of three increments permanently.

6. The Industrial Court has directed the NMC to implement the order of the standing committee. The Commissioner is said to have forwarded the decision of the standing committee to the State Government under Section 451 of the Act. However, till the decision of the standing committee is suspended or rescinded by the State Government, the authorities of the NMC are bound to implement the decision of the standing committee.

7. The order of the Industrial Court is the only order which could have been rendered in the circumstances, the petition is sans merit, and is dismissed.

JUDGE

NSN