

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.9371 OF 2022

MAHADEVI NARSING RANDIVE
VERSUS
CHIEF EXECUTIVE OFFICER AND ANOTHER

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Mr. R.V. Gole, h/f Mr. R.R.Deshmukh, Advocate for the Petitioner.

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CORAM : SHARMILA U. DESHMUKH, J.

DATED : JANUARY 12, 2023.

PER COURT :

1. Heard learned counsel appearing for the Petitioner.
2. The Petitioner has approached this Court challenging the Part-I award dated 15.06.2022 passed by the Member, Industrial Court in Complaint ULP No.125 of 2015. The Petitioner was chargesheeted by the Respondent on four charges, out of which only in respect of charge Nos.1 and 4 i.e not respecting the Superiors; improper behaviour with Superiors; and defamation by using filthy language; and not putting monthly proposals for sanction, the petitioner was held guilty and in respect of the other charges, the Petitioner was exonerated. Upon completion of the enquiry, the Petitioner was visited with the penalty of stoppage of one annual increment, which came to be challenged by the Petitioner before the Industrial Court vide complaint ULP No.125 of 2015, in which the preliminary issue regarding the legality and fairness of the enquiry was framed and answered in the affirmative.

3. Learned counsel for the Petitioner submits that the impugned order declaring that the enquiry is fair, legal and proper and passed by observing the principle of natural justice, is erroneous, inasmuch as the Petitioner was not supplied with the documents. Upon repeated query by this Court, as to the documents which were sought by the Petitioner, and not supplied, the counsel for the Petitioner is unable to demonstrate which documents were not supplied to the Petitioner. In the impugned order in paragraph no.13, it is recorded that the Petitioner never raised objections regarding non-supply of the documents. The Petitioner was supplied with the show cause notice the chargesheet and the documents relied upon by the Petitioner.

4. It is also not disputed that the Petitioner participated in the enquiry and an opportunity was given to her to defend herself.

5. Learned counsel for the Petitioner submits that by holding that the enquiry is fair, legal and proper, the complaint itself has been decided. I am unable to accept the submission of the learned counsel for the Petitioner as the impugned order is Part-1 Award and the Petitioner is at liberty to raise all objections to the findings before the Industrial Court.

6. Considering the above, writ petition is devoid of merits and is dismissed.

(SHARMILA U. DESHMUKH, J.)