

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE CIVIL JURISDICTION

WRIT PETITION NO.12201 OF 2022

Ashok Shankar Desale

...Petitioner

vs.

Maharashtra State Electricity Distribution
Company Limited and Another

...Respondents

Ms. Seema Chopda, for the Petitioner.

Ms. A.R. Baxi, for the Respondents.

CORAM : N. J. JAMADAR, J.

DATE : APRIL 18, 2023

P.C.:

1. Heard the learned counsel for the parties.
2. The challenge in this petition is to an order dated 29th September, 2022 passed in Revision Application (ULP) No. 122 of 2018 whereby the Revision Application preferred by the petitioner against the rejection of the application for interim relief (Exh.U-2) by the Labour Court, came to be rejected.
3. The petitioner preferred a complaint alleging unfair labour practices under section 28 read with item Nos.1(a),(b), (c), (d), (f) and (g) of Schedule IV of Maharashtra Recognition of Trade Unions & Prevention of Unfair Labour Practices Act, 1971 as the petitioner came to be served with a show cause notice dated 28th September, 2015 pursuant to an inquiry post registration of First Information Report against the petitioner for allegedly accepting bribe.

4. The petitioner preferred an application for interim relief. By an order dated 17th July, 2018 the application came to be rejected by the Labour Court, Thane. The Labour Court was of the view that there was material to show that the petitioner was prima facie guilty of dereliction of the duties in not initiating legal action against Mr. Santosh Jadhav at whose instance the First Information Report was allegedly lodged. The learned Member, Industrial Court did not find any ground to interfere with the order passed by the Labour Court.

5. However, the ad-interim protection granted by the Labour Court on 17th July, 2018 continued during the pendency of the revision. By an order dated 11th October, 2022, this Court has also continued the protection. Thus, the employment of the petitioner has been protected all along since 2018. It is imperative to note that the learned Presiding Officer, Labour Court recorded a prima facie finding that the charge of demand and acceptance of bribe by the petitioner can not be said to have been established. In this view of the matter, having regard to time lag and the nature of the misconduct attributed to the petitioner, it may be expedient that the Complaint (ULP) No. 109 of 2015 itself is decided expeditiously.

6. Hence, the petition stands disposed with a request to the Labour Court, Thane to decide the Complaint (ULP) No. 109 of 2015

as expeditiously as possible and preferably within a period of six months from the date of communication of this order.

7. The interim protection granted by this Court by an order dated 11th October, 2022 shall continue to operate till the decision of the complaint.

Petition disposed.

(N. J. JAMADAR, J.)