

Sayali Upasani

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO. 717 OF 2020

Pandurang Vithal Kevne ...Petitioner

Vs.

The Chief General Manager and Another ...Respondents

Mr. Pandurang V. Kevne, Petitioner-in-Person, Present.

Mr. R. P. Ojha, a/w Mr. Ankit Ojha, Mr. Rakesh Debey and Mr.
P. Patil, for Respondents.

CORAM:- N. J. JAMADAR, J.

DATED:- 5th JUNE, 2023

ORDER:-

1) The petitioner, who was employed with respondent No. 1, has preferred this Petition seeking, *inter alia*, a declaration that termination of his service by an order dated 14th July, 2000, was illegal and unconstitutional, reinstatement in service with all consequential benefits and also for setting aside the orders dated 25th June, 2019 and 10th July, 2019, passed by the Central Government Industrial Tribunal-2 at Mumbai.

2) The petitioner joined service with the respondent in the year 1977. By a Memorandum dated 14th July, 2000, the services of the petitioner came to be terminated by imposing penalty of removal from service, post a disciplinary enquiry.

3) Upon an industrial dispute being raised by the petitioner, the Central Government referred the industrial dispute to the Tribunal under sub clause (d) of sub Section 1 of Section 10 of the Industrial Disputes Act, 1947, ("the Act, 1947"). By an Award (Part- I), the learned Presiding Officer, Industrial Tribunal, directed the employer to lead evidence to prove the charges before the tribunal. By a further Award (Part-II) dated 22nd December, 2006, the Tribunal held that the removal of the petitioner from service was in accordance with law and, thus, the petitioner was not entitled to any reliefs.

4) The petitioner assailed the said Award in Writ Petition No. 2584 of 2007, before this Court. By a judgment and order dated 5th December, 2009, a Division Bench of this Court was persuaded to dismiss the Petition.

5) Review Petition No. 6 of 2010 in Writ Petition No. 2584 of 2007, preferred by the petitioner, was also dismissed by an order dated 25th January, 2010.

6) Notice of Motion No. 51 of 2015 was taken out by the petitioner in Review Petition No. 6 of 2010 in Writ Petition No. 2584 of 2007, which also came to be dismissed by a Division Bench by an order dated 5th August, 2015.

7) The petitioner challenged the said order before the Supreme Court in Special Leave Petition No. 4170 of 2016. The Special Leave Petition came to be dismissed with a direction to respondent No. 1 to pay to the petitioner General Provident Fund and all other dues as may admissible in law.

8) The petitioner again preferred an application before the Industrial tribunal, seeking, *inter alia*, a declaration that the order of termination dated 14th July, 2000, was null and void and in violation of statutory provisions contained in the Act, 1947, and directions to reinstate the petitioner in service with full back-wages and all retirement benefits and also grant of compensation of Rs.1 Crore.

9) By an order dated 14th June, 2019, the learned Presiding Officer, Industrial Tribunal, declined to admit the application as it was found to be not maintainable. The petitioner preferred review application before the Industrial Tribunal. By an order dated 10th July, 2019, the review application also came to be

dismissed, reiterating that the original application was not at all maintainable.

10) Still aggrieved, the petitioner has preferred this Petition.

11) I have heard Mr. Pandurang Vithal Kevne, the petitioner-in-person and Mr. R. P. Ojha, the learned Counsel for the respondents.

12) The petitioner made an earnest endeavor to impress upon the Court that the order dated 14th July, 2000, terminating the services of the petitioner was passed in flagrant violation of the statutory provisions, and sans any evidence.

13) I am afraid, it is open to again delve into the aspect of legality and validity of the said order dated 14th July, 2000. The industrial dispute referred by the appropriate Government in the context of the said order came to be answered against the petitioner. A writ petition thereagainst as well as two attempts at review of the order passed in writ petition, failed. Special Leave Petition also came to be dismissed by the Supreme Court. Thus, the aspect of termination of the petitioner vide order dated 14th July, 2000 has attained finality.

14) In the circumstances, the learned Presiding Officer, Industrial Tribunal was justified in declining to entertain the

application whereby the petitioner again sought a declaration that the said order of termination was illegal and bad in law and the consequential benefits.

15) The fact that the petitioner was not heard and the first order dated 14th July, 2000 was passed by the Industrial Tribunal is of no significance. Viewed from any perspective, the Industrial Tribunal could not have entertained the application preferred by the petitioner. Thus, the Petition does not deserve to be entertained.

16) The petition stands dismissed.

17) In the circumstances, there shall be no order as to costs.

[N. J. JAMADAR, J