



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

Writ Petition (WP) No. 2579 of 2021

The Chief Engineer, Maharashtra State Electricity Distribution Company
Limited, Nagpur and others

Versus

Mohan S/o Ramesh Itankar

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri D.M.Kale, Advocate for the petitioners.

Shri A.D.Patil, Advocate for the respondent.

CORAM : ANIL S. KILOR, J.

DATED : 31st AUGUST, 2023.

The complaint filed by the respondent under Section 28 read with Items 9 of Schedule IV of the Maharashtra Recognition of Trade Union and Prevention of Unfair Labour Practices Act, 1971 (hereinafter referred as MRTU & PULP Act, 1971) before the Industrial Court, Nagpur, was allowed vide impugned judgment and order dated 21st November, 2020 directing to treat resignation of the father of complainant namely Ramesh S/o Jagannath Itankar as it was on medical ground and consider the application of

complainant Mohan S/o Ramesh Itankar on compassionate ground as per rule. Hence, this petition.

2. The record shows that the father of the respondent was continuously absent on medical ground which can be seen from the application moved by him for leave. He resigned from the services of the petitioner on 1st March, 2007.

3. Thereupon, the respondent made an application for appointment on compensationate ground, considering the resignation of his father on medical ground. None consideration of the same, he filed the complaint before the Industrial Court which came to be allowed, vide impugned judgment and order dated 21st November, 2020.

4. The petitioner in this petition has raised the question that whether the Industrial Court can go beyond the reasons stated in the resignation letter and can hold that the resignation was submitted on medical ground.

5. The leave application and the medical certificates filed on record shows that the father of the respondent was not medically fit and he was under the medical treatment at Medical institute of Mental Health, Nagpur.

6. In support of his claim, respondent has adduced his evidence and he has proved all medical documents which were produced on record. However, there is no challenge raised to it in the cross-examination.

7. Thus, learned Industrial Court has arrived at a conclusion that the father of the respondent was suffering from Paranoid Schizophrenia and accordingly held that the resignation shall be considered on medical ground.

8. Considering the scope of jurisdiction of the Industrial Court, I do not find any merit in the submission of the learned counsel for the petitioner that the Industrial Court cannot go beyond the reasons stated in the resignation letter and hold that the resignation was submitted on the medical ground.

9. In the peculiar facts and circumstances of the present case and the evidence led by the respondent, I do not find any perversity committed by the learned Industrial Court. Accordingly, the writ petition is dismissed.

[ANIL S. KILOR, J.]