

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

WRIT PETITION NO. 7207/2018

RAVI S/O GHANSHYAM MORKAR

VS

BANK OF MAHARASHTRA, NAGPUR AND ANOTHER

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

Court's or Judge's Order

Mr. V.P. Marpakwar, Advocate for the petitioner
Ms. Renuka R. Puranik, Advocate for respondent no. 1
The respondent no. 2 is served.

CORAM : A. S. KILOR, J.

DATED : 21/06/2023

Heard.

2. In the Award dated 14.11.2017, passed by the learned Presiding Officer, Central Government Industrial Tribunal - cum - Labour Court, Nagpur (CGIT), it has held that the termination of the petitioner is valid and in lieu of reinstatement he is entitled for lump sum compensation to the tune of Rs.2,00,000/- (Rupees Two Lakhs only), is under challenge.

3. The only ground raised by the petitioner is that without recording any reason, the learned CGIT has jumped to the conclusion that the termination is valid and in lieu of reinstatement the petitioner is entitled for lump sum compensation.

4. The learned Counsel for the petitioner has drawn attention of this Court to the findings recorded in paragraph no. 8.

5. The learned Counsel for the respondent no. 1 tried to canvass that there is no error committed by the learned CGIT in holding that the termination of the petitioner is valid. She submits that despite the fact that the sufficient opportunity was given to the petitioner, he did not examine any witness on his behalf. She has drawn attention of this Court as regards such findings recorded by the learned CGIT in paragraph no. 7 of the impugned order.

6. Bare perusal of the impugned judgment and order dated 14.11.2017 says that the only paragraph which relates to the findings recorded by the learned CGIT in proceeding the termination valid is the last part of paragraph no. 8, which reads thus:

“Judging the present case in hand with the touch stone of the principles as mentioned above, it is found that law is well settled that where principles of natural justice were not complied with then in such cases compensation out to be granted because termination of the services in my opinion is valid.”

7. It is apparent on the face of the order that no reasons are recorded by the Court below while holding that in its opinion the termination is valid. The Court has also not

given any reason for arriving such conclusion particularly, when the Court has categorically observed that fair opportunity was not given to the petitioner and the principles of natural justice was not complied with.

8. In the circumstances, I am of the opinion that this is a fit case for remanding the matter back to the learned CGIT to decide the same afresh after hearing both the parties. Accordingly, I pass the following order:

(I) The writ petition is partly allowed.

(II) The Award dated 14.11.2017 passed by the learned CGIT, Nagpur in case No. CGIT/NGP/148/2002 is hereby quashed and set aside and the matter is remanded back to the learned CGIT to decide the same afresh, after hearing both the parties.

9. Accordingly, the writ petition is disposed of with no order as to costs.

JUDGE