

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

WRIT PETITION NO. 123 OF 2023

Depot Manager, MSRTC and anr__ Vs. __ Pramod Wamanrao Sangale

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. A.D.Sonak, Advocate, for petitioners.

CORAM : AVINASH G. GHAROTE, J.

DATE : 09/01/2023

Heard Mr. Sonak, learned counsel for the petitioners.

2] The petition challenges the order dated 16.7.2022 passed by the learned Industrial Court (pg.110).

3] In a complaint filed by the Respondent claiming unfair labour practice in respect of a show cause notice dated 4.2.2022 by the communication bearing No.10/21/47, an application for interim relief was filed at Exh. U-2 (pg.35), claiming interim relief against the present petitioner from taking any action on the basis of the show cause notice dated 4.2.2022. That application at Exh. U-2 came to be rejected by the order dated 19.5.22 (pg.54) holding that the respondent did not have any prima facie case (pg.70). In a revision by the Respondent, the learned Industrial Court by the order dated 16.7.2022 set aside the order below Exh. U-2 and remanded the matter back to the learned Labour Court

for deciding the application afresh along with the issue as to whether the domestic enquiry was fair, as according to it, the answer to the preliminary issue regarding fairness of the domestic enquiry and it having followed the principles of natural justice would be germane for the purpose of deciding the application at Exh. U-2, as the entire further prospect of the Respondent dependent upon it.

4] Though it is contended that the matter ought not to have been remanded back and the revision ought to have been dismissed, it is worthwhile to note that the question of fairness of the domestic enquiry and the following the principles of natural justice therein would be something which would have a bearing upon the application at Exh. U-2. In case the Court answers the aforesaid two issues in favour of the Respondent, the application below Exh. U-2 would then have to be decided in light of such a finding, considering which I do not see any reason to interfere in the impugned order of the learned Industrial Court, as it tends to take into consideration the larger issue of a preliminary nature regarding the fairness of the domestic enquiry and the following of the principles of natural justice which are the very basis for sustaining the domestic enquiry. The petition is therefore dismissed. No costs.