

AGK

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

**WRIT PETITION NO.9430 OF 2022**

Prashant Chandrakant Harshad

... Petitioner

**V/s.**

The Chief Executive Officer,  
Zilla Parishad, Sangli

... Respondent

Mr. Kuldeep U. Nikam for the petitioner.

Mr. Sumedh Modak with Mr. Vijay Killedar for the  
respondent.

**CORAM : AMIT BORKAR, J.**

**DATED : JANUARY 18, 2024**

**P.C.:**

**1.** The petitioner is challenging an order passed by the Industrial Court dismissing revision against rejection of interim relief prayed in Complaint (ULP) No.9 of 2018 not to proceed with the show-cause notice for terminating petitioner's services passed on inquiry where charge of misappropriation of amount was held to be proved.

**2.** The petitioner is working as Superintendent in Social Welfare Department of Zilla Parishad. According to Zilla Parishad, the petitioner prepared bills of Savitribai Phule Scholarship Scheme and attached a certificate that the bills have not been debited at any time. However, such payments were already debited. Relying on his letter, the bank issued cheque in the

amount of Rs.19,98,600/- in respect of second bills. According to Zilla Parishad, the petitioner was not having charge of post of Social Welfare Officer. The demand draft issued by the bank was credited in the account of concerned hostel. The petitioner issued a letter to the concerned hostel that the amount was credited in their account inadvertently and to issue a cheque in the equivalent amount in favour of the employee of the Zilla Parishad. Accordingly, the petitioner in collusion with other employee withdrew the amount of cheque and misappropriated the amount by depositing the amount in his account in State Bank of India, Branch Sangli. It is also alleged that the petitioner verified proposals for financial assistance of Rs.15,000/- to Rs.50,000/- to inter-caste marriage couples and sanctioned their proposal. However, such marriages were never recorded in the Register of Grampanchayat and based on such documents, additional financial assistance was given to the concerned persons and accordingly government money of Rs.4,70,000/- was misappropriated. According to Zilla Parishad, it was also found that 163 suspicious challans in respect of audit recovery fine, undisbursed amount of scholarship and grant of exam fee was also found in possession of the petitioner and the petitioner avoided to disburse cheque of Rs.1,91,000/- in respect of Savitribai Phule Scholarship. It is alleged that the petitioner misused government money, prepared forged documents and made forge signatures and misappropriated government funds.

**3.** For the aforesaid misconduct, the employer issued charge sheet on 14 March 2014 in terms of the Maharashtra Zilla Parishad

Service (Conduct) Rules, 1967. According to Zilla Parishad after following due procedure, the Inquiry Officer rendered a finding of charges having been proved against the petitioner. Based on the inquiry report, a communication dated 26 February 2018 proposing punishment of dismissal was issued to the petitioner in terms of Rule 4(7) of Part III of the Maharashtra Zilla Parishad District Services (Discipline and Appeal) Rules, 1964 was issued. The petitioner, therefore, approached the Labour Court. Along with the complaint, the petitioner filed an application restraining the Zilla Parishad from giving effect to the notice proposing punishment of dismissal.

**4.** The Labour Court considered the inquiry report threadbare and concluded that the charges against the petitioner of preparation of record of false document, misappropriation of government funds has been proved and is based on material on record. The Labour Court, therefore, rejected the application for interim relief.

**5.** Aggrieved thereby, the petitioner filed revision before the Industrial Court bearing Revision Application No.5 of 2021. The revisional Court dismissed the revision. The petitioner has, therefore, filed present writ petition.

**6.** Learned advocate for the petitioner submitted that this court has granted ad-interim relief protecting the petitioner which can be continued and the Labour Court be directed to decide the complaint within time-bound schedule. According to him, the inquiry was conducted without following principles of natural

justice. Copies of documents relied in the inquiry report were not supplied. No material was on record to prove the charges against the petitioner.

**7.** Per contra, learned advocate for the Zilla Parishad invited my attention to the reasons assigned by the Labour Court and the Industrial Court and findings recorded by both the Courts to urge that both the Courts below have considered the material on record and have arrived at conclusion that the petitioner failed to make out prima facie case for grant of interim relief.

**8.** On perusal o the impugned judgment, it appears that nine charges were levelled against the petitioner. All charges are in respect of misappropriation committed by the petitioner. The material on record indicate that amount of Rs.19,98,600/- was deposited in the petitioner's personal account. All other charges regarding misappropriation of various amounts appears to be based on documentary material discussed by the revisional Court in paragraph 10. It appears that based on documents produced by the Zilla Parishad, the Industrial court has recorded prima facie finding of misappropriation of amount.

**9.** Moreover, the petitioner made a statement before the Inquiry Officer that he received Rs.14 lakh credited in the account of co-employee and balance amount of Rs.6 lakh is still with the co-employee. He has deposited Rs.20 lakh with the Government. However, he raised a plea before the revisional Court that amount of Rs.20 lakh was not deposited by him but by someone else. However, in the present writ petition, the petitioner has raised a

contention that he has deposited such amount to show his bona fides.

**10.** It is well settled that the charge of misappropriation of amount is grave misconduct. Since the charge of misappropriation of amount is a grave misconduct, no interim relief can be granted in favour of the petitioner.

**11.** The writ petition, accordingly, stands dismissed. No costs.

**12.** It is clarified that the observations made in the present order are only for the purposes of adjudication of present writ petition and the Courts below shall decide the complaint on its own merits.

**(AMIT BORKAR, J.)**